

GENERAL INDEX.

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CHAPTER 1.

[*Millbank Prison Act, 1892.*]

An Act to transfer the site of Millbank Prison to the management of the Commissioners of Works.

[29th March 1892.]

CHAPTER 2.

[*Army (Annual) Act, 1892.*]

An Act to provide, during twelve months, for the Discipline and Regulation of the Army.

[29th March 1892.]

CHAPTER 3.

[*Consolidated Fund (No. 1) Act, 1892.*]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and ninety-one, one thousand eight hundred and ninety-two, and one thousand eight hundred and ninety-three.

[29th March 1892.]

CHAPTER 4.

[*Betting and Loans (Infants) Act, 1892.*]

An Act to render Penal the inciting Infants to Betting or Wagering or to borrowing Money.

[29th March 1892.]

Be it enacted, &c. :

1. *Persons sending documents to an infant inciting to betting guilty of a misdemeanor.* (1.) If anyone, for the purpose of earning commission, reward, or other profit, sends or causes to be sent to a person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to make any bet or wager, or to enter into or take any share or interest in any betting or wagering transaction, or to apply to any person or at any place, with a view to obtaining information or advice for the purpose of any bet or wager, or for information as to any race, fight, game, sport, or other contingency upon which betting or wagering is generally carried on, he shall be guilty of a misdemeanor, and shall be liable, if convicted on indictment, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine, and if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

(2.) If any such circular, notice, advertisement, letter, telegram, or other document as in this section mentioned, names or refers to anyone as a person to whom any payment may be made, or from whom information may be obtained, for the purpose of or in relation to betting or wagering, the person so named or referred to shall be deemed to have sent or caused to be sent such document as aforesaid, unless he proves that he had not consented to be so named, and that he was not in any way a party to, and was wholly ignorant of, the sending of such document.

2. *Persons sending to infants circulars inviting to borrow money guilty of a misdemeanor.* (1.) If anyone for the purpose of earning interest, commission, reward, or other profit, sends or causes to be sent to a person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to borrow money, or to enter into any transaction involving the borrowing of money, or to apply to any person or at any place with a view to obtaining information or advice as to borrowing money, he shall be guilty of a misdemeanor, and shall be liable, if convicted on indictment, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and

fine, and if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

(2.) If any such document as above in this section mentioned sent to an infant purports to issue from any address named therein, or indicates any address as the place at which application is to be made with reference to the subject-matter of the document, and at that place there is carried on any business connected with loans, whether making or procuring loans or otherwise, every person who attends at such place for the purpose of taking part in or who takes part in or assists in the carrying on of such business shall be deemed to have sent or caused to be sent such document as aforesaid, unless he proves that he was not in any way a party to and was wholly ignorant of the sending of such document.

3. *Knowledge of infancy presumed in certain cases.* If any such circular, notice, advertisement, letter, telegram, or other document as in the preceding sections or either of them mentioned is sent to any person at any university, college, school, or other place of education, and such person is an infant, the person sending or causing the same to be sent shall be deemed to have known that such person was an infant, unless he proves that he had reasonable ground for believing such person to be of full age.

4. *Soliciting infant to make affidavit in connexion with loan.* If anyone, except under the authority of any court, solicits an infant to make an affidavit or statutory declaration for the purpose of or in connexion with any loan, he shall be liable, if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding twenty pounds, or to both imprisonment and fine, and if convicted on indictment, to imprisonment, with or without hard labour for a term not exceeding three months, or to a fine not exceeding one hundred pounds.

5. *Avoiding contract for payment of loan advanced during infancy.* If any infant, who has contracted a loan which is void in law, agrees after he comes of age to pay any money which in whole or in part represents or is agreed to be paid in respect of any such loan, and is not a new advance, such agreement, and any instrument, negotiable or other, given in pursuance of or for carrying into effect such agreement, or otherwise in relation to the payment of money representing or in respect of such loan, shall, so far as it relates to money which represents or is payable in respect of such loan, and is not a new advance, be void absolutely as against all persons whomsoever.

For the purposes of this section any interest, commission, or other payment in respect of such loan shall be deemed to be a part of such loan.

6. *Persons charged a competent witness.* In any proceeding against any person for an offence under this Act such person and his wife or husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case.

7. *Application to Scotland.* In the application of this Act to Scotland :

The word "infant" means and includes any minor or pupil :

The word "indictment" has the same meaning as in the Criminal Procedure (Scotland) Act, 1887 [50 & 51 Vict. c. 35.]

The expression "summary conviction" means a conviction under the Summary Jurisdiction (Scotland) Acts.

8. *Short title.* This Act may be cited as the Betting and Loans (Infants) Act, 1892.

CHAPTER 5.

[*Poor Law (Ireland) Act, 1892.*]

An Act to amend the Poor Law (Ireland) Acts.

[20th May 1892.]

CHAPTER 6.

[*Colonial Probates Act, 1892.*]

An Act to provide for the Recognition in the

United Kingdom of Probates and Letters of Administration granted in British Possessions.

[20th May 1892.]

Be it enacted, &c. :

1. *Application of Act by Order in Council.* Her Majesty the Queen may, on being satisfied that the legislature of any British possession has made adequate provision for the recognition in that possession of probates and letters of administration granted by the courts of the United Kingdom, direct by Order in Council that this Act shall, subject to any exceptions and modifications specified in the Order, apply to that possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

2. (1.) *Sealing in United Kingdom of colonial probates and letters of administration.* Where a court of probate in a British possession to which this Act applies has granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with, a court of probate in the United Kingdom, be sealed with the seal of that court, and, thereupon, shall be of the like force and effect, and have the same operation in the United Kingdom, as if granted by that court.

(2.) Provided that the court shall, before sealing a probate or letters of administration under this section be satisfied—

(a.) that probate duty has been paid in respect of so much (if any) of the estate as is liable to probate duty in the United Kingdom; and

(b.) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property (if any) in the United Kingdom to which the letters of administration relate;

and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

(3.) The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in the United Kingdom.

(4.) For the purposes of this section, a duplicate of any probate or letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

(5.) Rules of court may be made for regulating the procedure and practice, including fees and costs, in courts of the United Kingdom, on and incidental to an application for sealing a probate or letters of administration granted in a British possession to which this Act applies. Such rules shall, so far as they relate to probate duty, be made with the consent of the Treasury, and, subject to any exceptions and modifications made by such rules, the enactments for the time being in force in relation to probate duty (including the penal provisions thereof) shall apply as if the person who applies for sealing under this section were a person applying for probate or letters of administration.

3. *Application of Act to British courts in foreign countries.* This Act shall extend to authorise the sealing in the United Kingdom of any probate or letters of administration granted by a British court in a foreign country, in like manner as it authorises the sealing of a probate or letters of administration granted in a British possession to which this Act applies, and the provisions of this Act shall apply accordingly with the necessary modifications.

4. *Orders in Council.* (1.) Every Order in Council made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made, and shall be published under the authority of Her Majesty's Stationery Office.

(2.) Her Majesty the Queen in Council may revoke or alter any Order in Council previously made under this Act.

(3.) Where it appears to Her Majesty in Council that the legislature of part of a British possession has power to make the provision requisite for bringing this Act into operation in that part, it shall be lawful for Her Majesty to direct by Order

in Council that this Act shall apply to that part as if it were a separate British possession, and thereupon, while the Order is in force, this Act shall apply accordingly.

5. *Application of Act to probates, &c., already granted.*] This Act when applied by an Order in Council to a British possession shall, subject to the provisions of the Order, apply to probates and letters of administration granted in that possession either before or after the passing of this Act.

6. *Definitions.*] In this Act—

The expression "court of probate" means any court or authority, by whatever name designated, having jurisdiction in matters of probate, and in Scotland means the sheriff court of the county of Edinburgh:

The expressions "probate" and "letters of administration" include confirmation in Scotland, and any instrument having in a British possession the same effect which under English law is given to probate and letters of administration respectively:

The expression "probate duty" includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted:

The expression "British court in a foreign country" means any British court having jurisdiction out of the Queen's dominions in pursuance of an Order in Council, whether made under any Act or otherwise.

7. *Short title.*] This Act may be cited as the Colonial Probates Act, 1892.

CHAPTER 7.

[*Labourers (Ireland) Act, 1892.*]

An Act to amend the Labourers (Ireland) Acts for the purpose of providing increased Allotments of Land for the Agricultural Labourers in Ireland.

[20th May 1892.]

CHAPTER 8.

[*Hares Preservation Act, 1892.*]

An Act to enact a Close Time for Hares during the Breeding Season.

[20th May 1892.]

Whereas hares form an important article of food, and have of late years greatly decreased in numbers in England, Scotland, and Wales, by reason of their being inconsiderately slaughtered, and owing to their marketable value it is important to provide for their protection during the breeding season:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Hares Preservation Act, 1892.

2. *Close time.*] It shall not be lawful during the months of March, April, May, June, or July to sell or expose for sale in any part of Great Britain any hare or leveret, and any person who during the months aforesaid shall so sell or expose for sale any hare or leveret shall be liable to a penalty not exceeding twenty shillings, including costs of conviction.

3. *Supply as to foreign hares.*] This Act shall not apply to foreign hares imported into Great Britain, and there sold or exposed for sale.

4. *Prosecution of offences.*] Every offence under this Act may be prosecuted in a summary manner, and every penalty imposed under this Act shall be applied in the manner directed by the Summary Jurisdiction Acts, and any Act amending the same.

5. *Application to Scotland.*] In the application of this Act to Scotland the expressions "justice" and "justices" shall mean sheriff or sheriff substitute.

CHAPTER 9.

[*Gaming Act, 1892.*]

An Act to amend the Act of the eighth and ninth Victoria, chapter one hundred and nine, intituled "An Act to amend the Law concerning Games and Wagers."

[20th May 1892.]

Be it enacted, &c.:

1. *Promises to repay sums paid under contracts void by 8 & 9 Vict. c. 109, to be null and void.*] Any promise, express or implied, to pay any person any sum of money paid by him under or in respect of any contract or agreement rendered null and void by the Act of the eighth and ninth Victoria, chapter one hundred and nine, or to pay any sum of money by way of commission, fee, reward, or otherwise in respect of any such contract, or of any services in relation thereto or in connexion therewith, shall be null and void, and no action shall be brought or maintained to recover any such sum of money.

2. *Short title.*] This Act may be cited as the Gaming Act, 1892.

CHAPTER 10.

[*Short Titles Act, 1892.*]

An Act to facilitate the [Citation of sundry Acts of Parliament.

[20th May 1892.]

CHAPTER 11.

[*Mortmain and Charitable Uses Act Amendment Act, 1892.*]

An Act to amend the Mortmain and Charitable Uses Act, 1888.

[20th June 1892.]

Be it enacted, &c.:

1. *Extension of 51 & 52 Vict. c. 42, s. 6.*] Section six of the Mortmain and Charitable Uses Act, 1888, except so much of sub-section (2) thereof as provides that an assurance by deed, made otherwise than in good faith for full and valuable consideration, must be executed not less than twelve months before the death of the assuror, shall apply to any assurance by deed of land to any local authority for any purpose or purposes for which such authority is empowered by any Act of Parliament to acquire land.

2. *Definitions.*] For the purpose of this Act "local authority" means any county council, council of a municipal borough, sanitary authority, or any body having power to make a rate for public purposes or by the issue of any precept, certificate, or other document to require payment from some authority or officer of money which may render necessary the making of any such rate; and "assurance" has the same meaning as in the Mortmain and Charitable Uses Act, 1888.

3. *Extent of Act.*] This Act shall not apply to Scotland or Ireland.

4. *Short title.*] This Act may be cited as the Mortmain and Charitable Uses Act Amendment Act, 1892.

CHAPTER 12.

[*Roads and Bridges (Scotland) Amendment Act, 1892.*]

An Act to amend the Law in regard to Roads and Bridges in Scotland.

[20th June 1892.]

CHAPTER 13.

[*Conveyancing and Law of Property Act, 1892.*]

An Act to amend the Conveyancing and Law of Property Act, 1881.

[20th June 1892.]

Be it enacted, &c.:

Preliminary

1. *Short title and extent.*] (1.) This Act may be cited as the Conveyancing and Law of Property Act, 1892, and the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41], and the Conveyancing Act, 1882 [45 & 46 Vict. c. 39], and this Act shall be read together and may be cited together as the Conveyancing Acts, 1881, 1882, and 1892.

(2.) This Act does not extend to Scotland.

Leases, Under-leases, Forfeiture.

2. *Costs of waiver, and forfeiture in case of bankruptcy or execution.*] (1.) A lessor shall be entitled to recover as a debt due to him from a lessee, and

in addition to damages (if any) all reasonable costs and expenses properly incurred by the lessor in the employment of a solicitor and surveyor or valuer, or otherwise, in reference to any breach giving rise to a right of re-entry or forfeiture which, at the request of the lessee, is waived by the lessor by writing under his hand, or from which the lessee is relieved, under the provisions of the Conveyancing and Law of Property Act, 1881, or of this Act.

(2.) Sub-section six of section fourteen of the Conveyancing and Law of Property Act, 1881, is to apply to a condition for forfeiture on bankruptcy of the lessee, or on taking in execution of the lessee's interest only after the expiration of one year from the date of the bankruptcy, or taking in execution, and provided the lessee's interest be not sold within such one year, but in case the lessee's interest be sold within such one year, sub-section six shall cease to be applicable thereto.

(3.) Sub-section two of this section is not to apply to any lease of—

- (a) Agricultural or pastoral land :
- (b) Mines or minerals :
- (c) A house used or intended to be used as a public-house or beershop :
- (d) A house let as a dwelling-house, with the use of any furniture, books, works of art, or other chattels not being in the nature of fixtures :
- (e) Any property with respect to which the personal qualifications of the tenant are of importance for the preservation of the value or character of the property, or on the ground of neighbourhood to the lessor, or to any person holding under him.

3. *No fine to be exacted for licence to assign.*] In all leases containing a covenant, condition, or agreement against assigning, underletting, or parting with the possession, or disposing of the land or property leased without licence or consent, such covenant, condition, or agreement shall, unless the lease contains an expressed provision to the contrary, be deemed to be subject to a proviso to the effect that no fine or sum of money in the nature of a fine shall be payable for or in respect of such licence or consent; but this proviso shall not preclude the right to require the payment of a reasonable sum in respect of any legal or other expense incurred in relation to such licence or consent.

4. *Power of court to protect under-lessees on forfeiture of superior leases.*] Where a lessor is proceeding by action or otherwise to enforce a right of re-entry or forfeiture under any covenant, proviso, or stipulation in a lease, the court may, on application by any person claiming as under-lessee any estate or interest in the property comprised in the lease or any part thereof either in the lessor's action (if any) or in any action brought by such person for that purpose, make an order vesting for the whole term of the lease or any less term the property comprised in the lease or any part thereof in any person entitled as under-lessee to any estate or interest in such property upon such conditions as to execution of any deed or other document, payment of rent, costs, expenses, damages, compensation, giving security, or otherwise, as the court in the circumstances of each case shall think fit, but in no case shall any such under-lessee be entitled to require a lease to be granted to him for any longer term than he had under his original sub-lease.

5. *Extension of definitions of "lease," "under-lease," and "under-lessee."*] In section fourteen of the Conveyancing and Law of Property Act, 1881, as amended by this Act, and in this Act, "lease" shall also include an agreement for a lease where the lessee has become entitled to have his lease granted, and "under-lease" shall also include an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted, and in this Act "under-lessee" shall include any person deriving title under or from an under-lessee.

Trustees.

6. *Trustees may be appointed for separate parts of property though no new trustees be appointed of other parts.*] A separate set of trustees or a separate trustee may be appointed under the fifth section of the Conveyancing Act, 1882, of a part only of the

trust property, notwithstanding that no new trustees or trustee are to be appointed of other parts of the trust property, and any existing trustee may be appointed or remain one of such separate set of trustees; and every appointment already made of a separate set of trustees shall be valid notwithstanding that there was no retiring trustee of other parts of the trust property, and that no new trustees were appointed of such other parts thereof.

CHAPTER 14.

[*Indian Councils Act, 1892.*]

An Act to amend the Indian Councils Act, 1861. [20th June 1892.]

CHAPTER 15.

[*Charity Inquiries (Expenses) Act, 1892.*]

An Act to authorise the Councils of Counties and County Boroughs to contribute to the Expenses of Inquiries into certain Charities. [20th June 1892.]

Be it enacted, &c. :

1. *Power for council of county or county borough to contribute to expenses of charity inquiries.* (1.) The council of any county or county borough may, if they think fit, pay or contribute towards the expenses of any inquiry conducted by the Charity Commissioners into any charities which are by the trusts governing their administration expressly appropriated in whole or in part for the benefit of their county or county borough, or of any part thereof.

(2.) The payment or contribution may be made out of the county fund, or in the case of a county borough out of the borough fund or borough rate.

2. *Short title.* This Act may be cited as the Charity Inquiries (Expenses) Act, 1892.

CHAPTER 16.

[*Customs and Inland Revenue Act, 1892.*]

An Act to grant and alter certain Duties of Customs and Inland Revenue, and to amend the Law relating to Customs and Inland Revenue. [20th June 1892.]

CHAPTER 17.

[*Sheriff Courts (Scotland) Extracts Act, 1892.*]

An Act to simplify the Forms of Extracts of Decrees in the Sheriff Courts of Scotland. [20th June 1892.]

CHAPTER 18.

[*Weights and Measures (Purchase) Act, 1892.*]

An Act for authorising County and Borough Councils to purchase Franchises of Weights and Measures. [20th June 1892.]

Be it enacted, &c. :

1. *Power for county or borough council to purchase franchise of weights and measures.* (1.) Where the council of a county or borough are the local authority for the execution of the law relating to weights and measures, the council and the owner of any franchise of weights and measures may, with the approval of the Board of Trade, enter into and carry into effect any agreement for the sale to and purchase by the council of all or any of the powers and authorities of the franchise owner within the area under the council as such local authority, and on any such purchase being completed the powers and authorities purchased shall cease to be exercised.

(2.) For the purpose of any such purchase the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, and the franchise shall be deemed land within the meaning of those Acts.

(3.) A county council may borrow money for the purposes of this Act in accordance with the Local Government Act, 1888 [51 & 52 Vict. c. 41], and a borough council may borrow money for the pur-

poses of this Act in accordance with the Public Health Act, 1875 [38 & 39 Vict. c. 55].

(4.) The expenses incurred by a borough council under this Act shall be defrayed out of the borough fund or borough rate, and any money borrowed by such a council shall be borrowed on the security of the borough fund or borough rate.

(5.) For the purposes of this Act the expression "franchise of weights and measures" shall include the authority which any court-leet for any hundred or manor, or any jury or ward inquest, or the lord or lady of any manor, or any other person, may have for inspecting, examining, regulating, verifying, stamping, adjusting, seizing, breaking, or destroying any weights or measures, or weighing instrument or measuring instrument.

2. *Provisions as to certain boroughs.* Where the council of a county have in pursuance of this Act acquired any franchise of weights and measures in respect of any area within a borough the council of which are not at the time of such acquisition the local authority for the execution of the law relating to weights and measures, the council of that borough shall not become such a local authority until they have recouped to the council of the county such proportion of the expenses of the county council in acquiring the franchise and in executing the law relating to weights and measures as may be agreed on between the respective councils, or may, in case of difference, be determined by the Board of Trade.

3. *Extent of Act.* This Act shall not extend to Scotland or Ireland.

4. *Short title and construction.* This Act may be cited as the Weights and Measures (Purchase) Act, 1892, and shall be read as one with the Weights and Measures Acts, 1878 and 1889 [41 & 42 Vict. c. 49 and 52 & 53 Vict. c. 21].

CHAPTER 19.

[*Statute Law Revision Act, 1892.*]

An Act for further promoting the Revision of the Statute Law by repealing Enactments which have ceased to be in force or have become unnecessary. [20th June 1892.]

CHAPTER 20.

[*Consolidated Fund (No. 2) Act, 1892.*]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-three. [20th June 1892.]

CHAPTER 21.

[*High Court of Justiciary (Scotland) Act, 1892.*]

An Act to regulate the sittings of the High Court of Justiciary in Scotland. [20th June 1892.]

CHAPTER 22.

[*Housing of the Working Classes Act, 1890, Amendment (Scotland) Act, 1892.*]

An Act to amend the Housing of the Working Classes Act, 1890, as to Scotland. [20th June 1892.]

CHAPTER 23.

[*Foreign Marriage Act, 1892.*]

An Act to consolidate Enactments relating to the Marriage of British Subjects outside the United Kingdom. [27th June 1892.]

Be it enacted, &c. :

1. *Validity of marriages solemnized abroad in manner provided by Act.* All marriages between parties of whom one at least is a British subject solemnized in the manner in this Act provided in any foreign country or place by or before a marriage officer within the meaning of this Act shall be as valid in law as if the same had been solemnized in the United Kingdom with a due observance of all forms required by law.

2. *Notice to marriage officer of intended marriage.* In every case of a marriage intended to be solemnized under this Act, one of the parties intending marriage shall sign a notice, stating the name, surname, profession, condition, and residence of each of the parties, and whether each of the parties is or is not a minor, and give the notice to the marriage officer within whose district both of the parties have had their residence not less than one week then next preceding, and the notice shall state that they have so resided.

3. *Filing in registry and posting up of notice.* (1.) The marriage officer shall file every such notice, and keep it with the archives of his office, and shall also, on payment of the proper fee, forthwith enter in a book of notices to be kept by him for the purpose, and post up in some conspicuous place in his office, a true copy of every such notice, and shall keep the same so posted up during fourteen consecutive days before the marriage is solemnized under the notice.

(2.) The said book and copy posted up shall be open at all reasonable times, without fee, to the inspection of any person.

4. *Requirement of like consent to marriage as in England, and power to forbid marriage.* (1.) The like consent shall be required to a marriage under this Act as is required by law to marriages solemnized in England.

(2.) Every person whose consent to a marriage is so required may, at any time before the solemnization thereof under this Act, forbid it by writing the word "forbidden" opposite to the entry of the intended marriage in the book of notices, and by subscribing thereto his name and residence, and the character by reason of which he is authorized to forbid the marriage; and if a marriage is so forbidden the notice shall be void, and the intended marriage shall not be solemnized under that notice.

5. *Caveat against marriage may be lodged with marriage officer.* (1.) Any person may on payment of the proper fee enter with the marriage officer a caveat, signed by him or on his behalf, and stating his residence and the ground of his objection against the solemnization of the marriage of any person named therein, and thereupon the marriage of that person shall not be solemnized until either the marriage officer has examined into the matter of the caveat and is satisfied that it ought not to obstruct the solemnization of the marriage, or the caveat is withdrawn by the person entering it.

(2.) In a case of doubt the marriage officer may transmit a copy of the caveat, with such statement respecting it as he thinks fit, to a Secretary of State, who shall refer the same to the Registrar-General, and the Registrar-General shall give his decision thereon in writing to the Secretary of State, who shall communicate it to the marriage officer.

(3.) If the marriage officer refuses to solemnize or to allow to be solemnized in his presence the marriage of any person requiring it to be solemnized, that person may appeal to a Secretary of State, who shall give the marriage officer his decision thereon.

(4.) The marriage officer shall forthwith inform the parties of and shall conform to any decision given by the Registrar-General or Secretary of State.

6. *When marriage not solemnized within three months a new notice required.* Where a marriage is not solemnized within three months next after the latest of the following dates—

(a.) the date on which the notice for it has been given to and entered by the marriage officer under this Act, or

(b.) if on a caveat being entered a statement has been transmitted to a Secretary of State, or if an appeal has been made to a Secretary of State, then the date of the receipt from the Secretary of State of a decision directing the marriage to be solemnized,

the notice shall be void, and the intended marriage shall not be solemnized under that notice.

7. *Oath before marriage.* Before a marriage is solemnized under this Act, each of the parties intending marriage shall appear before the marriage officer, and make, and subscribe in a book kept by the officer for the purpose, an oath—

- (a) that he or she believes that there is not any impediment to the marriage by reason of kindred or alliance, or otherwise; and
- (b) that both of the parties have for three weeks immediately preceding had their usual residence within the district of the marriage officer; and
- (c) where either of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the persons whose consent to the marriage is required by law has been obtained thereto, or, as the case may be, that there is no person having authority to give such consent.

8. Solemnization of marriage at office in presence of marriage officer and two witnesses.] (1.) After the expiration of fourteen days after the notice of an intended marriage has been entered under this Act, then, if no lawful impediment to the marriage is shown to the satisfaction of the marriage officer, and the marriage has not been forbidden in manner provided by this Act, the marriage may be solemnized under this Act.

(2.) Every such marriage shall be solemnized at the official house of the marriage officer, with open doors, between the hours of eight in the forenoon and three in the afternoon, in the presence of two or more witnesses, and may be solemnized by another person in the presence of the marriage officer, according to the rights of the Church of England, or such other form and ceremony as the parties thereto see fit to adopt, or may, where the parties so desire, be solemnized by the marriage officer.

(3.) Where such marriage is not solemnized according to the rights of the Church of England, then in some part of the ceremony, and in the presence of the marriage officer and witnesses, each of the parties shall declare,

"I solemnly declare, that I know not of any lawful impediment why I, A.B. [or C.D.], may not be joined in matrimony to C.D. [or A.B.]."

And each of the parties shall say to the other, "I call upon these persons here present to witness, that I, A.B. [or C.D.], take thee, C.D. [or A.B.], to be my lawful wedded wife [or husband]."

9. Marriage fees to marriage officer and registration of marriages.] (1.) The marriage officer shall be entitled, for every marriage solemnized under this Act by him or in his presence, to have from the parties married the proper fee.

(2.) He shall forthwith register in duplicate every such marriage in two marriage register books, which shall be furnished to him from time to time for that purpose by the Registrar-General (through a Secretary of State), according to the form provided by law for the registration of marriages in England, or as near to that form as the difference of the circumstances admits.

(3.) The entry in each book of every such marriage shall be signed by the marriage officer, by the person solemnizing the marriage, if other than the marriage officer, by both the parties married, and by two witnesses of the marriage.

(4.) All such entries shall be made in regular order from the beginning to the end of each book, and the number of the entry in each duplicate shall be the same.

(5.) The marriage officer by whom or in whose presence a marriage is solemnized under this Act may ask of the parties to be married the several particulars required to be registered touching the marriage.

10. Annual forwarding of copies of register book to Secretary of State.] (1.) In January in every year every marriage officer shall make and send to a Secretary of State, to be transmitted by him to the Registrar-General, a copy, certified by him to be a true copy, of all the entries of marriages during the preceding year in the register book kept by him, and if there has been no such entry, a certificate of that fact; and every such copy shall be certified, and certificate given, under his hand and official seal.

(2.) The marriage officer shall keep the duplicate marriage register books safely until they are filled, and then send one of them to a Secretary

of State, to be transmitted by him to the Registrar-General.

11. Marriage officers and their districts.] (1.) For the purposes of this Act the following officers shall be marriage officers, that is to say:—

- (a.) Any officer authorized in that behalf by a Secretary of State by authority in writing under his hand (in this Act referred to as a marriage warrant); and
- (b.) Any officer who, under the marriage regulations hereinafter mentioned is authorized to act as marriage officer without any marriage warrant,

and the district of a marriage officer shall be the area within which the duties of his office are exercisable, or any such less area as is assigned by the marriage warrant or any other warrant of a Secretary of State, or is fixed by the marriage regulations.

(2.) Any marriage warrant of a Secretary of State may authorize to be a marriage officer—

- (a.) a British ambassador residing in a foreign country to the government of which he is accredited, and also any officer prescribed as an officer for solemnizing marriages in the official house of such ambassador;
- (b.) the holder of the office of British consul in any foreign country or place specified in the warrant; and
- (c.) a governor, high commissioner, resident, consular or other officer, or any person appointed in pursuance of the marriage regulations to act in the place of a high commissioner or resident, and this Act shall apply with the prescribed modifications to a marriage by or before a governor, high commissioner, resident, or officer so authorized by the warrant, and in such application shall not be limited to places outside Her Majesty's dominions.

(3.) If a marriage warrant refers to the office without designating the name of any particular person holding the office, then, while the warrant is in force, the person for the time being holding or acting in such office shall be a marriage officer.

(4.) A Secretary of State may, by warrant under his hand, vary or revoke any marriage warrant previously issued under this Act.

(5.) Where a marriage officer has no seal of his office, any reference in this Act to the official seal shall be construed to refer to any seal ordinarily used by him, if authenticated by his signature with his official name and description.

12. Marriages on board Her Majesty's ships on foreign stations.] A marriage under this Act may be solemnized on board one of Her Majesty's ships on a foreign station, and with respect to such marriage—

- (a) subject to the marriage regulations a marriage warrant of a Secretary of State may authorize the commanding officer of the ship to be a marriage officer;
- (b) the provisions of this Act shall apply with the prescribed modifications.

13. Avoidance of objections to marriages on account of want of formalities or authority of officer.] (1.) After a marriage has been solemnized under this Act it shall not be necessary, in support of the marriage, to give any proof of the residence for the time required by or in pursuance of this Act of either of the parties previous to the marriage, or of the consent of any person whose consent thereto is required by law, nor shall any evidence to prove the contrary be given in any legal proceeding touching the validity of the marriage.

(2.) Where a marriage purports to have been solemnized and registered under this Act in the official house of a British ambassador or consul, or on board one of Her Majesty's ships, it shall not be necessary in support of the marriage, to give any proof of the authority of the marriage officer by or before whom the marriage was solemnized and registered, nor shall any evidence to prove his want of authority, whether by reason of his not being a duly authorized marriage officer or of any prohibitions or restrictions under the marriage regulations or otherwise, be given in any legal proceeding touching the validity of the marriage.

14. Forfeiture of property in case of fraudulent marriage.] If a marriage is solemnized under this Act by means of any wilfully false notice signed,

or oath made by either party to the marriage, as to any matter for which a notice, or oath, is by this Act required, the Attorney-General may sue for the forfeiture of all estate and interest in any property in England accruing to the offending party by the marriage; and the proceedings thereupon, and the consequences thereof, shall be the same as are provided by law in the like case with regard to marriages solemnized in England according to the rites of the Church of England.

15. Punishment of false oath or notice.] If a person—

- (a) knowingly and willingly makes a false oath or signs a false notice, under this Act, for the purpose of procuring a marriage, or
- (b) forbids a marriage under this Act by falsely representing himself to be a person whose consent to the marriage is required by law, knowing such representation to be false, such person shall suffer the penalties of perjury, and may be tried in any county in England and dealt with in the same manner in all respects as if the offence had been committed in that county.

16. Evidence.] (1.) Any book, notice, or document directed by this Act to be kept by the marriage officer in the archives of his office, shall be of such a public nature as to be admissible in evidence on its mere production from the custody of the officer.

(2.) A certificate of a Secretary of State as to any house, office, chapel, or other place being, or being part of, the official house of a British ambassador or consul shall be conclusive.

17. Application of Registration Acts to this Act.] All the provisions and penalties of the Marriage Registration Acts, relating to any registrar, or register of marriages or certified copies thereof, shall extend to every marriage officer, and to the registers of marriages under this Act, and to the certified copies thereof (so far as the same are applicable thereto), as if herein re-enacted and in terms made applicable to this Act, and as if every marriage officer were a registrar under the said Acts.

18. Registration of marriages solemnized under local law.] Subject to the marriage regulations, a British consul, or person authorized to act as British consul, on being satisfied by personal attendance that a marriage between parties, of whom one at least is a British subject, has been duly solemnized in a foreign country, in accordance with the local law of the country, and on payment of the proper fee, may register the marriage in accordance with the marriage regulations as having been so solemnized, and thereupon this Act shall apply as if the marriage had been registered in pursuance of this Act, except that nothing in this Act shall affect the validity of the marriage so solemnized.

19. Power to refuse solemnization of marriage where marriage inconsistent with international law.] A marriage officer shall not be required to solemnize a marriage, or to allow a marriage to be solemnized in his presence, if in his opinion the solemnization thereof would be inconsistent with international law or the comity of nations;

Provided that any person requiring his marriage to be solemnized shall, if the officer refuses to solemnize it or allow it to be solemnized in his presence, have the right of appeal to the Secretary of State given by this Act.

20. Fees.] The proper fee under this Act shall be such fee as may for the time being be fixed under the Consular Salaries and Fees Act, 1891 [54 & 55 Vict. c. 36]; and the fee so fixed as respects a consul shall be the fee which may be taken by any marriage officer; and the provisions relating to the levying, application, and remission of, and accounting for fees under that Act shall apply to the same when taken by any marriage officer who is not a consul.

21. Power to make marriage regulations.] (1.) Her Majesty the Queen in Council may make regulations (in this Act referred to as the marriage regulations)—

- (a.) Prohibiting or restricting the exercise by marriage officers of their powers under this Act in cases where the exercise of those powers appears to Her Majesty to be incon-

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sistent with international law or the comity of nations, or in places where sufficient facilities appear to Her Majesty to exist without the exercise of those powers, for the solemnization of marriages to which a British subject is a party; and

(b.) Determining what offices, chapels, or other places are, for the purposes of marriages under this Act, to be deemed to be part of the official house or the office of a marriage officer; and

(c.) Modifying in special cases or classes of cases the requirements of this Act as to residence and notice, so far as such modification appears to Her Majesty to be consistent with the observance of due precautions against clandestine marriages; and

(d.) Prescribing the forms to be used under this Act; and

(e.) Adapting this Act to marriages on board one of Her Majesty's ships; and to marriages by or before governor, high commissioner, resident, or other officer, and authorising the appointment of a person to act under this Act in the place of a high commissioner or resident; and

(f.) Determining who is to be the marriage officer for the purpose of a marriage in the official house of a British ambassador, or on board one of Her Majesty's ships, whether such officer is described in the regulations or named in pursuance thereof, and authorising such officer to act without any marriage warrant; and

(g.) Determining the conditions under which and the mode in which marriages solemnized in accordance with the local law of a foreign country may be registered under this Act; and

(h.) Making such provisions as seem necessary or proper for carrying into effect this Act or any marriage regulations; and

(i.) Varying or revoking any marriage regulations previously made.

(2.) All regulations purporting to be made in pursuance of this section may be made either generally or with reference to any particular case or class of cases, and shall be published under the authority of Her Majesty's Stationery Office, and laid before both Houses of Parliament, and deemed to be within the powers of this Act, and shall while in force have effect as if enacted by this Act.

(3.) Any marriage regulations which dispense for any reason, whether residence out of the district or otherwise, with the requirements of this Act as to residence and notice, may require as a condition or consequence of the dispensation, the production of such notice, certificate, or document, and the taking of such oath, and may authorise the publication or grant of such notice, certificate, or document, and the charge of such fees as may be prescribed by the regulations; and the provisions of this Act, including those enacting punishments with reference to any false notice or oath, shall apply as if the said notice, certificate, or document were a notice, and such oath were an oath, within the meaning of those provisions.

22. *Validity of marriages solemnized within British lines.* It is hereby declared that all marriages solemnized within the British lines by any chaplain or officer or other person officiating under the orders of the commanding officer of a British army serving abroad, shall be as valid in law as if the same had been solemnized within the United Kingdom, with a due observance of all forms required by law.

23. *Saving.* Nothing in this Act shall confirm or impair or in anywise affect the validity in law of any marriage solemnized beyond the seas, otherwise than as herein provided, and this Act shall not extend to the marriage of any of the Royal family.

24. *Definitions.* In this Act, unless the context otherwise requires,—

The expression "Registrar-General" means the Registrar-General of Births, Deaths, and Marriages in England;

The expression "Attorney General" means Her Majesty's Attorney General, or if there is no such Attorney General, or the Attorney General is unable or incompetent to act,

Her Majesty's Solicitor General, for England:

The expression "the Marriage Registration Acts" means the Act of the session of the sixth and seventh years of the reign of King William the Fourth, chapter eighty-six, intituled "An Act for registering births, deaths, and marriages in England" and the enactments amending the same:

The expression "official house of a marriage officer" means, subject to the provisions of any marriage regulations, the office at which the business of such officer is transacted, and the official house of residence of such officer, and, in the case of any officer, who is an officer for solemnizing marriages in the official house of an ambassador, means the official house of the ambassador:

The expression "consul" means a consul-general, consul, vice-consul, pro-consul, or consular agent:

The expression "ambassador" includes a minister and a chargé d'affaires:

The expression "prescribed" means prescribed by marriage regulations under this Act.

25. *Commencement of Act.* This Act shall come into operation on the first day of January next after the passing thereof.

26. *Repeal and savings.* (1.) The Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of that Schedule mentioned.

Provided that—

(a) any Order in Council in force under any Act so repealed shall continue in force as if made in pursuance of this Act; and

(b) any proceedings taken with reference to a marriage, any register book kept, and any warrant issued in pursuance of the Acts hereby repealed, shall have effect as if taken, kept, and issued in pursuance of this Act; and

(c) the fees which can be taken in pursuance of the Acts hereby repealed may continue to be taken in like manner as if fixed in pursuance of the Consular Salaries and Fees Act, 1891, and may be altered accordingly; and

(d) the forms prescribed by or in pursuance of the Acts hereby repealed may continue to be used as if prescribed by an Order in Council under this Act.

(2.) Every marriage in fact solemnized and registered by or before a British consul or other marriage officer in intended pursuance of any Act hereby repealed shall, notwithstanding such repeal or any defect in the authority of the consul or the solemnization of the marriage elsewhere than at the consulate, be as valid as if the said Act had not been repealed, and the marriage had been solemnized at the consulate by or before a duly authorized counsel;

Provided that this enactment shall not render valid any marriage declared invalid before the passing of this Act by any competent court, or render valid any marriage either of the parties to which has, before the passing of this Act, lawfully intermarried with any other person.

27. *Short title.* This Act may be cited as the Foreign Marriage Act, 1892.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
4 Geo. 4, c. 91	An Act to relieve His Majesty's subjects from all doubt concerning the validity of certain marriages solemnized abroad.	The whole Act, so far as un-repealed.
19 & 20 Vict. c. 68	The Consular Marriage Act, 1849.	The whole Act.

Session and Chapter.	Title.	Extent of Repeal.
31 & 32 Vict. c. 61	The Consular Marriage Act, 1868.	The whole Act.
33 & 34 Vict. c. 14	The Naturalization Act, 1870.	In section eleven, the words, "and of the marriages of persons married at any of Her Majesty's embassies or legations."
53 & 54 Vict. c. 47	The Marriage Act, 1890.	The whole Act.
54 & 55 Vict. c. 74	The Foreign Marriage Act, 1891.	The whole Act.

CHAPTER 24.

[Post Office Act, 1892.]

An Act to amend the Post Office Act, 1891, in relation to its application to Scotland, and to apply that Act to the Isle of Man and to the Channel Islands.

[27th June 1892.]

CHAPTER 25.

[Taxes (Regulation of Remuneration) Amendment Act, 1892.]

An Act to amend the Taxes (Regulation of Remuneration) Act, 1891.

[27th June 1892.]

CHAPTER 26.

[National Debt (Conversion of Exchequer Bonds) Act, 1892.]

An Act to make provision respecting Advances made by the National Debt Commissioners under the National Debt (Redemption) Act, 1889.

[27th June 1892.]

CHAPTER 27.

[Parliamentary Deposits and Bonds Act, 1892.]

An Act to authorise the release of certain Deposits, and the cancellation of certain Bonds, made or given to secure the performance of undertakings authorised by Parliament.

[27th June 1892.]

Be it enacted, &c. :

1. *Power to release deposits.* (1.) Where in pursuance of any general or special Act of Parliament, or of any rules made thereunder, moneys or securities have been deposited with, or are standing in the name of, the Paymaster General to secure the completion by any company of any undertaking authorised by Parliament, or by any certificate issued under the authority of an Act of Parliament, and the undertaking has not been completed within the time limited in that behalf, the High Court may, notwithstanding anything in any such general or special Act or rules, order that the moneys or securities (in this Act called the deposit fund), or any part thereof, be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the undertaking, or any portion thereof, or who have been subjected to injury or loss in consequence of any compulsory powers of taking property given in connexion with the undertaking, and have received no compensation or inadequate compensation for such injury or loss; and also, in the case of a tramway company, towards compensating the road authorities for the expenses incurred by them in taking up any tramway or materials connected therewith placed by the tramway company in or on any road vested in or maintainable by the road authorities, and in making good all damage caused to such roads by the construction or abandonment of the tramway.

(2.) Subject to payment of any such compensa-

tion, and notwithstanding any provision as to forfeiture to the Crown, the High Court may, if a receiver has been appointed, or the company is insolvent and has been ordered to be wound up, or the undertaking has been abandoned, order that the deposit fund or any part thereof be paid or transferred to the receiver or to the liquidator of the company, or be applied as part of the assets of the company for the benefit of the creditors thereof.

(3.) Subject to such application as aforesaid the High Court may, after such public notice as to the Court seems reasonable, order that the deposit fund or any part thereof be paid or transferred to the depositors or the persons claiming through or under them.

(4.) If any money or securities deposited with or standing in the name of the Paymaster General for the purposes of this section on or before the thirty-first of March one thousand eight hundred and ninety are not claimed by or on behalf of the depositors thereof within ten years after the passing of this Act, the Treasury may pay or transfer the same to the National Debt Commissioners to be applied by them towards the reduction of the National Debt.

(5.) This section shall apply to any person or body of persons authorised by Parliament or by any such certificate as aforesaid to carry out an undertaking as if he or they were a company.

2. Power to cancel bonds. Where in pursuance of any general or special Act of Parliament any bond has been given to secure the completion of any undertaking authorised by Parliament, or by any certificate issued under the authority of an Act of Parliament, and the undertaking has not been completed within the time limited in that behalf, the money thereby secured shall be applicable to the same purposes as the deposit fund hereinbefore mentioned, and the Treasury may, if they think fit, cancel the bond on proof to their satisfaction that the money thereby secured has been applied or is not required for those purposes.

3. Application to Scotland. In the application of this Act to Scotland—

The expression "Paymaster General" shall mean the Queen's and Lord Treasurer's Remembrancer:

The expression "High Court" shall mean the Court of Session in either division thereof.

4. Application to Ireland. In the application of this Act to Ireland—

The expression "Paymaster General" shall mean the Accountant General of the Supreme Court:

The expression "tramway" shall include railway.

5. Short Title. This Act may be cited as the Parliamentary Deposits and Bonds Act, 1892.

CHAPTER 28.

[*Isle of Man Customs Act, 1892.*]

An Act to amend the Law respecting the Customs Duties in the Isle of Man.

[27th June 1892.]

CHAPTER 29.

[*Technical and Industrial Institutions Act, 1892.*]

An Act to facilitate the Acquisition and Holding of Land by Institutions for promoting Technical and Industrial Instruction and Training.

[27th June 1892.]

Be it enacted, &c.:

1. Short title. This Act may be cited as the Technical and Industrial Institutions Act, 1892.

2. Definition of institution. This Act applies to every institution established, whether before or after the passing of this Act, for effecting all or any of the following purposes, that is to say:—

- (i.) To give technical instruction within the meaning of the Technical Instruction Act, 1889 [52 & 53 Vict. c. 76].
- (ii.) To provide the training, mental or physical, necessary for the above purpose.
- (iii.) In connexion with the purposes before mentioned, to provide workshops, tools,

scientific apparatus and plant of all kinds, libraries, reading rooms, halls for lectures, exhibitions, and meetings, gymnasiums, and swimming baths, and also general facilities for mental and physical training, recreation, and amusement, and also all necessary and proper accommodation for persons frequenting the institution;

and every such institution is in this Act referred to as the institution.

3. Governing body. (1.) The governing body of the institution may be any body corporate, council, public authority, local authority, commissioners, directors, committee, trustees, or other body of persons, corporate or unincorporate, willing to undertake, or elected or appointed for the purpose of undertaking, or having, the government and management of the institution.

(2.) The governing body may make byelaws and rules for the management and conduct of the institution.

4. Incorporation of 8 & 9 Vict. c. 18, 23 & 24 Vict. c. 106. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860 (except the provisions of those Acts relating to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by promoters of the undertaking, and with respect to determining the amount of purchase money by valuation of surveyors), are hereby incorporated in this Act.

5. Power to take land by agreement. The governing body of the institution may by agreement enter on, take, and use any land required by them for the purposes of the institution, and such land may be conveyed either to the governing body or to trustees for the governing body.

6. Conveyance may be by way of sale, exchange, or gift. (1.) A conveyance of land may be made to the governing body of the institution or to trustees for the governing body either for valuable consideration in money, or in consideration of a rent-charge, or by way of exchange for other land, or, subject as in this Act provided, by way of free gift, and without any consideration.

(2.) A conveyance under this Act by a person having an equitable estate shall operate to pass any bare outstanding legal estate vested in a trustee.

7. Conveyances by limited owners. (1.) A conveyance under this Act by a person not entitled to dispose absolutely for his own benefit of the land proposed to be conveyed (other than a conveyance on a sale or exchange for the best consideration in money, or by way of rentcharge, or in land to be reasonably obtained) shall be subject to the following restrictions and provisions:—

(a) It shall not in itself, or in addition to any land conveyed under this Act by the same person, comprise more than two acres in the whole in any one county, city, or borough:

(b) It shall be made either with the consent of the person, if any, entitled to the next estate of freehold in remainder for the time being, or with the approval of the High Court of Justice.

(2.) Every application to the Court for an order approving a conveyance under this Act shall be by summons in chambers, and shall, subject to the Acts regulating the court, be assigned to the Chancery Division.

(3.) On any such application the Court may direct notice to be served on such persons, if any, as it thinks fit.

(4.) On any such application the court shall have regard to the circumstances of the settled estate, the wants of the neighbourhood, and the interests of the persons entitled in remainder, and the Court, if it thinks fit under all the circumstances of the case, may make an order approving the proposed conveyance. Such order, if the Court thinks fit, may be made on such terms and conditions, if any, as the Court thinks proper; but no such order shall be made if the application is opposed by any person entitled in remainder, unless the court is of opinion that the opposition is unreasonable, or the interest of the person opposing so remote that it may properly be disregarded.

8. Institution to be public. Every institution for which land has been acquired under an exercise of the powers conferred by this Act shall be open generally either to all persons or to all persons within specified limits as to age, qualification, or otherwise, and either without payment or on specified terms as to times of attendance and payment of subscriptions or fees or otherwise, but so that no preference be given to any person or class of persons within the specified limits.

9. Site may be sold or exchanged. (1.) Land acquired under the powers of this Act shall not be used otherwise than for the purposes of an institution within the meaning of this Act, but, with the consent of the Charity Commissioners, may be sold or may be exchanged for other land.

(2.) The governing body or their trustees may execute conveyances and do all acts necessary to effectuate a sale or exchange.

(3.) On a sale, the receipt of the governing body or of the trustees for the governing body shall be a sufficient discharge for the purchase money, and such money shall, as soon as convenient, be invested in the purchase of other land.

(4.) Land purchased or taken in exchange under this section shall be devoted to the same purposes and be liable to the same incidents as originally were applicable to or affected the land sold or given in exchange.

(5.) Money arising by sale may, until reinvested in the purchase of land, be invested in the names of the governing body or of trustees for the governing body in any manner in which trust money is for the time being by law authorised to be invested; and all dividends and income on investments so made and all the resulting income shall be invested in like manner so as to accumulate in the way of compound interest, and be added to capital until the capital is reinvested in the purchase of land.

10. Parts I. and II. of 51 & 52 Vict. c. 42 and part of 54 & 55 Vict. c. 73 not to apply. (1.) Parts I. and II. of the Mortmain and Charitable Uses Act, 1888, and so much of the Mortmain and Charitable Uses Act, 1891, as requires that land assured by will shall be sold within one year from the death of the testator, shall not apply to conveyances or to assurances by will made under or for the purposes of this Act, but every such conveyance or assurance shall be enrolled as soon as may be in the books of the Charity Commissioners.

(2.) Any corporate body may acquire and shall be entitled to hold and retain land for the purposes of this Act without any licence in mortmain.

11. Extent of Act. This Act shall not extend to Scotland.

CHAPTER 30.

[*Alkali, &c., Works Regulation Act, 1892.*]

An Act to amend the Alkali, &c., Works Regulation Act, 1881.

[27th June 1892.]

CHAPTER 31.

[*Small Holdings Act, 1892.*]

An Act to facilitate the acquisition of Small Agricultural Holdings.

[27th June 1892.]

Be it enacted, &c.:

PART I.

PROVISION OF SMALL HOLDINGS BY COUNTY COUNCILS.

1. Power for county council to acquire land for small holdings. (1.) If the council of any county are of opinion that there is such a demand for small holdings in their county as justifies them in putting into operation this part of this Act, the council may, subject to the provisions of this Act, acquire any suitable land for the purpose of providing small holdings for persons who desire to buy and will themselves cultivate the holdings.

(2.) The expression "small holding" for the purposes of this Act shall mean land acquired by a council under the powers and for the purposes of this Act, and which exceeds one acre and either does not exceed fifty acres, or, if exceeding fifty acres, is of an annual value for the purposes of the income tax not exceeding fifty pounds.

2. County council may lease land in lieu of purchases.

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ing.] Where land through its proximity to a town or suitability for building purposes, or for any other special reason has a prospective value which in the opinion of the county council is too high to make its purchase for agricultural purposes desirable, the council may hire the land on lease or otherwise for the purpose of letting it in small holdings in accordance with the provisions of this Act.

3. *Purchase of land and adaptation of it for small holdings.*] (1.) For the purpose of the purchase of land under this Act by a county council the Lands Clauses Acts shall be incorporated with this Act, except the provisions of those Acts with respect to the purchase and taking of land otherwise than by agreement, which provisions shall not apply for the purposes of this Act; and section one hundred and seventy-eight of the Public Health Act, 1875 [38 & 39 Vict. c. 55], shall apply as if the county council were referred to therein.

(2.) The county council may, if they think fit, before sale or letting adapt for small holdings any land acquired under this Act by dividing and fencing it, making occupation roads, and executing any other works, such as works for the provision of drainage or water supply, which can in the opinion of the council be more economically and efficiently executed for the land as a whole.

(3.) The county council may also, if they think fit, as part of the agreement for the sale or letting of a small holding, adapt the land for a small holding by erecting thereon such buildings, or making such adaptations of existing buildings, as in their opinion are required for the due occupation of the holding, and cannot be made by the purchaser or tenant.

4. *Sale or letting of small holdings.*] (1.) The county council shall apportion the total cost of the acquisition of the land, and of any adaptation thereof, among the several holdings in such manner as seems just, and shall, save as herein-after mentioned, offer the small holdings for sale in accordance with rules under this Act.

(2.) Where the county council are of opinion that any persons desirous of themselves cultivating small holdings are unable to buy, on the terms fixed by this Act, or where the land has been hired by the council on lease or otherwise, the council may, in the case of any small holding which either does not exceed fifteen acres in extent, or if exceeding fifteen acres is of the annual value for the purpose of the income tax not exceeding fifteen pounds, instead of offering it for sale, offer to let it in accordance with rules under this Act.

Provided that a tenant of any small holding may, before the expiration of his tenancy, remove any fruit and other trees and bushes planted or acquired by him for which he has no claim for compensation, and remove any toolhouse, shed, greenhouse, fowlhouse, or pigsty built or acquired by him for which he has no claim for compensation.

(3.) The county council shall have power to sell, or, in the case of small holdings which may be let, to let one or more small holdings to a number of persons working on a co-operative system, provided such system be approved by the county council.

(4.) The cost of acquisition and adaptation shall for the purposes of this section include every expense incurred by the council in relation to the land, inclusive of any allowance to any officers of the council for work done in relation thereto.

5. *Committee of and inquiry by council.*] (1.) Any county council may, and every county council not being a council of a county borough shall, appoint a committee to consider whether the circumstances of the county justify the council in putting into operation this Part of this Act.

(2.) Any one or more county electors may present a petition to the council of their county alleging that there is a demand for small holdings in the county, and praying that this Part of this Act may be put in operation, and thereupon the petition shall be referred to the committee appointed under this section, who, on being satisfied that the petition is presented in good faith and on reasonable grounds, shall forthwith cause an inquiry into the circumstances to be made and shall report the result to the council.

(3.) If any councillor representing or alderman residing in any electoral division of a county in which it is alleged that there is a demand for small holdings is not a member of the committee, he shall be added to the committee for the consideration of the alleged demand.

6. *Regulations as to purchase money and sale.*] (1.) The purchase money for each small holding sold by the county council shall include the costs of registration of title, but shall not include any expense incurred by the purchaser for legal or other advice or assistance.

(2.) Every purchaser shall, within such time, not less than one month after the purchase, as is fixed by rules under this Act, complete the purchase.

(3.) On such completion he shall pay not less than one fifth of the purchase money.

(4.) A portion representing not more than one fourth of the purchase money may, if the county council think fit, be secured by a perpetual rent-charge which shall be redeemable in manner directed by section forty-five of the Conveyancing and Law of Property Act, 1881 [44 & 45 Vict. c. 41], with respect to rentcharges to which that section applies.

(5.) The residue (if any) of the purchase money shall be secured by a charge on the holding in favour of the council, and shall either be repaid by half-yearly instalments of principal with such interest, and within such term not exceeding fifty years from the date of the sale, as may be agreed on with the council, or shall if the purchaser so requires, be repaid with such interest and within such term as aforesaid by a terminable annuity payable by equal half-yearly instalments. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed, in accordance with tables fixed by the county council.

(6.) The council may, if they think fit, agree to postpone for a term not exceeding five years the time for payment of all or any part of an instalment either of principal or interest or of a terminable annuity, in consideration of expenditure by the purchaser which, in the opinion of the council, increases the value of the holding, but shall do so on such terms as will, in their opinion, prevent them from incurring any loss.

(7.) A small holding may be sold subject to such rights of way or other rights for the benefit of other small holdings as the council consider necessary or expedient.

7. *Rules as to mode and conditions of sale.*] Every county council acquiring land under this Act shall make rules for carrying into effect this Act, except as otherwise provided, and in particular—

- (a.) as to the manner in which holdings are to be sold or let or offered for sale or letting; and
- (b.) as to the notice to be given of the offer for sale or letting; and
- (c.) for guarding against any small holding being let or sold to a person who is unable to cultivate it properly, and otherwise for securing the proper cultivation of a holding.

8. *List to be kept by county council.*] Every county council shall keep a list of the owners and occupiers of small holdings sold or let by them, and a map or plan showing the size, boundaries, and situation of each small holding so sold or let.

9. *Conditions affecting small holdings.*] Every small holding sold by a county council under this Act shall for a term of twenty years from the date of the sale, and thereafter so long as any part of the purchase money remains unpaid, be held subject to the following conditions:—

- (a.) That any periodical payments due in respect of the purchase money shall be duly made;
- (b.) That the holding shall not be divided, subdivided, assigned, let, or sublet without the consent of the county council;
- (c.) That the holding shall be cultivated by the owner or occupier as the case may be, and shall not be used for any purpose other than agriculture;
- (d.) That not more than one dwelling-house shall be erected on the holding;
- (e.) That any dwelling-house erected on the holding shall comply with such requirements as the county council may impose for securing healthiness and freedom from over-crowding;

(f.) That no dwelling-house or building on the holding shall be used for the sale of intoxicating liquors;

(g.) In the case of any holding on which, in the opinion of the county council, a dwelling-house ought not to be erected, that no dwelling-house shall be erected on the holding without the consent of the county council.

(2.) If any such condition is broken, the council may, after giving the owner an opportunity of remedying the breach, if it is capable of remedy, cause the holding to be sold.

(3.) If on the decease of the owner while the holding is subject to the conditions imposed by this section, the holding would, by reason of any devise, bequest, intestacy, or otherwise, become subdivided, the council may require the holding to be sold within twelve months after such decease to some one person, and if default is made in so selling the holding, the council may cause the holding to be sold.

(4.) Any sale by the county council under this section may be made either subject to the charge in respect of purchase money or free, wholly or partly, from that charge, and in either case the provisions of this Act with respect to the purchase money shall apply in like manner as if the sale were the first sale of a small holding under this Act.

(5.) The proceeds of the sale shall be applied in discharge of any unpaid purchase money for the holding or redemption of any rentcharge or terminable annuity which is not to aforesaid on the holding, and, subject as aforesaid, shall be paid to the person appearing to the council to be entitled to receive the same.

(6.) The county council may, under special circumstances, to be recorded in their minutes, sell or consent to the sale under this section of a small holding free from all or any of the conditions imposed by this section, and may give such consent on such terms as they think fit.

(7.) Every small holding let by a county council under the foregoing provisions of this Act shall be held subject to the conditions on which it would under this section be held if it were sold, except so far as those conditions relate to the purchase money; and if any such condition or any term of the letting is broken the council may, after giving the tenant an opportunity of remedying the breach (if it is capable of remedy), determine the tenancy.

(8.) Nothing in or done under this section shall derogate from the effect of any building or sanitary by-laws for the time being in force.

10. *Registration of title to small holdings.*] (1.) When a county council have purchased land under this Act, they shall apply for their registration as proprietors thereof with an absolute title under the Land Transfer Act, 1875 [38 & 39 Vict. c. 87].

(2.) Rules under the Land Transfer Act, 1875, may—

- (a) adapt that Act to the registration of small holdings, with such modifications as appear to be required: and
- (b) on the application and at the expense of a county council provide, by the appointment of local agents or otherwise, for carrying into effect the objects of this section.

11. *Right of purchase, if land diverted from agriculture.*] If at any time after the restrictive conditions imposed by this Act have ceased to attach to a small holding, the owner of the holding desires to use the holding for purposes other than agriculture, he shall before so doing, whether the holding is situated within a town or built upon or not, offer the holding for sale, first to the county council from whom the holding was purchased, next to the person or persons (if any) then entitled to the lands from which the holding was originally severed, and then to the person or persons whose lands immediately adjoin the holding, and sections one hundred and twenty-seven to one hundred and thirty of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18], shall apply as if the owner of the small holding were the promoter of the undertaking, and the holding were superfluous lands within the meaning of those sections.

12. *Extension of provisions of 45 & 46 Vict. c. 38.*] Where a person having the powers of a tenant for life within the meaning of the Settled Land Act,

1882, sells, exchanges, or leases, any settled land to a county council for the purposes of this Act, such sale, exchange, or lease may be made at such a price, or for such consideration, or at such rent as, having regard to the said purposes and to all the circumstances of the case, is the best that can be reasonably obtained.

13. *Power to limited owner to sell at a fee farm rent.*] A person having the powers of a tenant for life within the meaning of the Settled Land Act, 1882, may grant the settled land, or a part thereof, to a county council for the purposes of this Act in perpetuity, at a fee farm or other rent secured by condition of re-entry, or otherwise as may be agreed upon.

14. *Power to attach grazing rights, &c., to small holdings.*] Where any right of grazing, sheepwalk, or other similar right is attached to land acquired by a county council for the purposes of small holdings, the council may attach any share of the right to any small holding in such manner and subject to such regulations as they think expedient.

15. *Letting of land unsold and sale of superfluous or unsuitable land.*] (1.) A county council shall, if practicable, sell or let as small holdings, and in accordance with this Act, any land acquired under this Act, but if the council are of opinion that any such land is not needed for, or is unsuitable for, small holdings, or cannot be sold or let under the foregoing provisions of this Act, or that some more suitable land is available, they may sell or let the land otherwise than under the said provisions, or exchange the land for other land more suitable for small holdings, and may pay or receive money for equality of exchange, and may erect such buildings or execute such other works as will in the opinion of the council enable the land to be sold or let without loss.

(2.) The council may also, while any sale of a holding is pending in pursuance of this Act, temporarily let or manage the holding for such time and in such manner as they think expedient.

(3.) Sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18] (relating to the right of pre-emption of superfluous lands) shall apply upon any sale in pursuance of this section before any such buildings or works as aforesaid are erected or executed on the land proposed to be sold, but save as aforesaid the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the sale of superfluous lands shall not apply.

16. *Provisions as to management of holdings.*] (1.) Where a county council provide small holdings they may delegate, with or without restrictions, the powers of the county council under this Act with respect to the adaptation of land for any holdings, and the sale, letting, and management of any holdings to a committee consisting of—

The county councillor representing the electoral division in which the holdings are situate; and

Two other members of the county council; and Two of the allotment managers (if any) under the Allotments Act, 1887 [50 & 51 Vict. c. 48], for the parish or area in which the holdings are situate selected by those managers, or if there are no allotment managers, two persons appointed in manner provided by that Act for the appointment of allotment managers; or

If the holdings are situate within the limits of a municipal borough, then, instead of the persons selected or appointed as aforesaid, two members of the borough council.

and in the construction of this Act references to the county council shall, in their application to the powers so delegated, include any such committee. Provided that a county council shall not under this section delegate any power of making or levying a rate or of borrowing money.

(2.) The Local Government Act, 1888 [51 & 52 Vict. c. 41], shall apply to any committee appointed under this section as if it were appointed under that Act.

PART II.

LOANS BY COUNTY COUNCILS TO TENANTS PURCHASING SMALL HOLDINGS.

17. *Power of county council to advance money for*

purchase of small holding.] (1.) Where the tenant of a small holding has agreed with his landlord for the purchase of the holding the county council of the county in which the holding or any part of it is situate may, if they think fit, advance to the tenant on the security of the holding an amount not exceeding four-fifths of the purchase money thereof.

(2.) The provisions of this Act with respect to the purchase money secured by a charge on a small holding sold by a county council, and with respect to any small holding so sold, shall apply to an advance made and a holding purchased under this section, as if the advance was the purchase money, save that the county council shall not guarantee the title of the purchaser of the holding.

(3.) No advance shall be made by a county council under this section, unless they are satisfied that the title to the holding is good, that the sale is made in good faith, and that the price is reasonable.

PART III.

SUPPLEMENTAL.

18. *Restrictions on powers of council.*] (1.) A county council shall not acquire land under this Act save at such price that, in the opinion of the council, all expenses incurred by the council in relation to the land will be recouped out of the purchase money for the land sold by the council, or in the case of land let out of the rent, and shall fix the purchase money or rent at such reasonable amount as will, in their opinion, guard them against loss.

(2.) A county council shall not take any proceedings under this Act whereby the charge for the time being on the county rate, for the purposes of this Act, including the annual payments in respect of the loans raised for those purposes, is, in the opinion of the council, likely to exceed in any one year the amount produced by a rate of a penny in the pound, and, where the said charge at any time is equal or nearly equal to that amount, no further land shall be purchased in pursuance of this Act, until the charge has been decreased so as to admit of the further purchase without the charge exceeding the said amount.

19. *Borrowing powers and expenses.*] (1.) A county council may borrow money for the purposes of this Act in accordance with the Local Government Act, 1888 [51 & 52 Vict. c. 41], or, if the council of a county borough, with the Public Health Act, 1875 [38 & 39 Vict. c. 55], except that any money so borrowed shall, notwithstanding anything in either of those Acts, be repaid within such period not exceeding fifty years, as the council, with the consent of the Local Government Board, determine in each case. Provided that money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purpose of section sixty-nine, sub-section two, of the Local Government Act, 1888.

(2.) The Public Works Loan Commissioners may, in manner provided by the Public Works Loans Act, 1875 [38 & 39 Vict. c. 89], lend any money which may be borrowed by a county council for the purposes of this Act.

(3.) Every loan by the Public Works Loan Commissioners in pursuance of this Act shall bear such rate of interest, not less than three pounds two shillings and sixpence per cent. per annum, as the Treasury may authorise as being in their opinion sufficient to enable such loans to be made without loss to the Exchequer.

(4.) Any capital money received by a county council in payment or discharge of purchase money for land sold by them, or in repayment of an advance made by them, shall be applied, with the sanction of the Local Government Board, either in repayment of debt or for any other purpose for which capital money may be applied.

(5.) The expenses incurred by the council of a county borough under this Act shall be defrayed out of the borough fund or borough rate, and any money borrowed by such a council shall be borrowed on the security of the borough fund or borough rate.

20. *Definitions.*] For the purposes of this Act—
The expressions "agriculture" and "cultivation" shall include horticulture and the use

of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit, vegetables, and the like:

The expression "county" shall mean the area under the authority of a county council:

The expression "county council" shall include the council of a county borough, and the expression "electoral division" in its application to a county borough divided into wards shall mean ward, and in its application to a county borough the expression "county rate" shall mean the borough rate or borough fund:

The expression "county elector" shall include "burgess."

In this Act, and in the enactments incorporated with this Act, the expression "land" shall include any right or easement in or over land.

21. *Modifications of Act and application to Scotland.*] In the application of this Act to Scotland—

(1.) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed as a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845 [8 & 9 Vict. c. 19].

(2.) A reference to the Local Government Act, 1888, shall be construed as a reference to the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50].

(3.) The Secretary for Scotland shall be substituted for the Local Government Board:

(4.) The expression "county rate" shall mean the general purposes rate leviable by a county council:

(5.) The expression "devise" shall mean mortis causa disposition:

(6.) The expression "easement" shall mean servitude:

(7.) The references to county boroughs shall not apply:

(8.) The expression "county elector" shall have the same meaning as in the Local Government (Scotland) Act, 1889.

22. *Modifications with respect to regulations as to purchase money in Scotland.*] With respect to the unpaid purchase money for a small holding under this Act, the following provisions shall have effect in Scotland in lieu of sub-sections four and five of section six of this Act:—

(1.) A portion, representing not more than one fourth of the purchase money, may, if the county council think fit, be converted into a perpetual rentcharge which shall be a real burden affecting the holding, redeemable at any time at the option of the purchaser in accordance with tables fixed by the county council, and the certificate of the county clerk that the redemption money has been paid shall, without any other instrument, operate as an extinction of the rentcharge, and the registration of such certificate in the register of sasines shall be equivalent to the registration of a discharge of the said rentcharge:

(2.) The residue (if any) of the purchase money shall be secured by a bond which shall be a charge on the holding in favour of the county council, and shall either be repaid by half-yearly instalments of principal with such interest and within such term not exceeding fifty years from the date of the sale as may be agreed on with the council, or shall, if the purchaser so requires, be repaid with such interest and within such term by a terminable annuity payable by half-yearly instalments. The amount for the time being unpaid may at any time be discharged, and any such terminable annuity may at any time be redeemed in accordance with tables fixed by the county council. A certificate by the county clerk that the whole of the said residue has been paid, or that such terminable annuity has been redeemed, shall without any other instrument, operate as a discharge of the said terminable annuity, as the case may be, and the registration of such certificate in the register of sasines shall be equivalent to the registration of a discharge of the said bond.

23. *connects the county with the country.*
24. *in Scotland.*
25. *into the county.*
26. *into the county.*
27. *Small*

28. *in Scotland.*
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25. *Ireland.*

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32. *felony*
33. *offence*
(a)

34. *(b)*

35. *(c)*

36. *(d)*

37. *(e)*

38. *then,*
39. *or find*
40. *any*

41. *with*

23. *Modifications as to preparation, &c., of titles, &c., connected with small holdings in Scotland.*] In Scotland the county council shall cause to be prepared and duly registered all deeds, writs, and instruments, necessary for completing the title of the purchaser of small holding, and for securing the payment of any unpaid purchase money, and shall include in the purchase money the cost so incurred, or to be incurred, according to scales set forth in tables fixed by the county council.

Provided that—

- (1) the county council, if they think fit, may appoint a person duly qualified (in the opinion of the sheriff) to carry out the provisions of this section and shall assign to him such salary or other remuneration as they may determine; and
- (2) the county council shall not be liable for any expenses incurred by the purchaser of a small holding for legal or other advice or assistance rendered to him on his own behalf.

Sections ten, twelve, and thirteen of this Act shall not apply to Scotland.

24. *Modifications as regards management of holdings in Scotland.*] A committee of a county council appointed under this Act with respect to the adaptation of land for small holdings, and the sale, letting, and management of the holdings, shall, in Scotland, consist of—

The county councillor representing the electoral division in which the holdings are situate; and

Two other members of the county council; and Two persons elected triennially by the county electors in the electoral division aforesaid, in accordance with such regulations as the Secretary for Scotland may from time to time prescribe, whether preliminary or incidental to such election, and for applying to such election any enactments as to offences at the election of county councillors, and for supplying casual vacancies on the committee; or

If the holdings are situate within the limits of any burgh, then, instead of the persons elected as aforesaid, two town councillors or commissioners, as the case may be, to be appointed for that purpose by the town council or commissioners of such burgh.

25. *Extent of Act.*] This Act shall not apply to Ireland.

26. *Commencement of Act.*] This Act shall come into operation on the first day of October, one thousand eight hundred and ninety-two.

27. *Short title.*] This Act may be cited as the Small Holdings Act, 1892.

CHAPTER 32.

[*Clergy Discipline Act, 1892.*]

An Act for better enforcing Discipline in the Case of Crimes and other Offences against Morality committed by Clergymen.

[27th June 1892.]

Be it enacted, &c.:

1. *Effect of conviction of clergyman for treason, felony, or grave misdemeanour, or for certain other offences.*] (1.) If either—

- (a) a clergyman is convicted of treason or felony, or is convicted on indictment of a misdemeanour, and on any such conviction is sentenced to imprisonment with hard labour or any greater punishment, or
- (b) an order under the Acts relating to bastardy is made on a clergyman, or
- (c) a clergyman is found in a divorce or matrimonial cause to have committed adultery, or
- (d) an order for judicial separation is made against a clergyman in a divorce or matrimonial cause, or
- (e) a separation order is made against a clergyman under the Matrimonial Causes Act, 1878 [41 & 43 Vict. c. 19];

then, after the date at which the conviction, order, or finding becomes conclusive, the preferment (if any) held by him shall, within twenty-one days, without further trial be declared by the bishop to

be vacant as from the said date, and he shall be incapable, save as in this Act mentioned, of holding preferment.

(2.) Provided that if when so convicted he receives a free pardon from the Crown his incapacity shall cease, and if he receives the pardon before the institution of another clergyman to such preferment the bishop shall, within twenty-one days after receiving notice in writing of such pardon, again institute him and cause him to be inducted into the preferment, and no fee shall be payable to any person whomsoever in respect thereof.

(3.) If any act required under this section to be done by a bishop is not done within the said twenty-one days it shall be done by or under the authority of the archbishop of the province.

2. *Complaint against clergyman for immorality.*] If a clergyman either is convicted by a temporal court of having committed an act constituting an ecclesiastical offence, and the foregoing section does not apply to him, or is alleged to have been guilty of an immoral act, immoral conduct, or immoral habit, or of any offence against the laws ecclesiastical, being an offence against morality and not being a question of doctrine or ritual, he may be prosecuted by any of the parishioners of the parish in which such clergyman holds preferment, or by the bishop of the diocese, or by any person approved by the bishop, and tried in the consistory court of the diocese in which he holds preferment, and may be so prosecuted and tried in accordance with the prescribed procedure, subject as follows:—

- (a.) If the complaint made against a clergyman appears to the bishop of the diocese to be too vague or frivolous to justify proceedings he shall disallow the prosecution:
- (b.) The prosecutor may at any stage of the proceedings be ordered to give security for costs, unless the offence alleged in the prosecution is one of which the clergyman has been convicted by a temporal court:
- (c.) If any question of fact (other than the fact of the conviction of a temporal court) has to be determined, and either party to a case so requires, five assessors shall be chosen in the prescribed manner, and shall, for deciding a question of fact, be members of the court; and the decision of such question must either be the unanimous decision of the assessors, or that of the chancellor and at least a majority of the assessors:
- (d.) If no such decision is arrived at, the case shall, if either party so desires, be retried as soon as possible, with assessors chosen as before, save that no assessors who acted at the former trial shall act as assessors on the retrial:
- (e.) The chancellor on any trial shall preside, and shall alone determine any question of law, and also any question of costs, and whether the question is one of law or of fact shall be deemed to be a question of law.

3. *Election of and mode of choosing assessors.*] (1.) The assessors shall be chosen in the prescribed manner from the list of assessors who shall be elected as soon as possible after the commencement of this Act, and every three years afterwards, as follows (that is to say):—

- (a.) Three shall be elected from their own number by the members of the cathedral church of the diocese;
- (b.) Four shall be elected from their own number by the beneficed clergy of each archdeaconry in the diocese; and
- (c.) Five shall be elected from the justices of the county by the court of quarter sessions of each county wholly in the diocese, and of such of the counties partly in the diocese as may be prescribed.
- (2.) Provided that—
- (a.) The consent of an assessor to serve shall be obtained before he is elected; and
- (b.) If an assessor ceases to be one of the body from whom he is elected, or resigns, or dies, or becomes incapable of acting, the chancellor may declare a vacancy, and thereupon the vacancy may be filled by another election.
- (3.) When the presence of assessors is required, three clergymen and two laymen shall be chosen out of the assessors on the said list by ballot conducted by the registrar in the presence of such (if

any) of the parties as desire to be present by themselves or their representatives.

(4.) The assessors chosen shall be bound to attend when required, and if anyone fails so to attend without a reasonable excuse satisfactory to the chancellor he shall be disqualified for acting or being elected again as assessor, and the chancellor shall declare a vacancy, and the vacancy shall be filled by a new election.

(5.) If any assessor is objected to by either party for reasons approved by the chancellor, he shall be discharged from serving.

(6.) If by reason of any objection or of non-attendance or otherwise the requisite number of assessors is not obtained before the trial, the chancellor shall, if there is time, cause a clergyman or layman, as the case may require, who is willing to serve, and is not objected to by either party for cause shown and deemed sufficient by the chancellor, to make up the full number of five assessors.

4. *Appeals on question of law or fact.*] (1.) Either party to a case may appeal against any judgment of a consistory court under this Act in respect of any matter of law.

(2.) If a defendant desires to appeal against any judgment of a consistory court under this Act in respect of the facts, he may petition for leave to appeal, and if he satisfies the appellate court that there is a *prima facie* case leave shall be given, and he may appeal.

(3.) An appeal against any interlocutory judgment under this Act, not having the force or effect of a definitive sentence upon the merits of the case, shall not be allowed except by leave of the court.

(4.) An appeal or petition under this section shall be within the prescribed time and in accordance with the prescribed rules, and may (at the option of the appellant or petitioner) be to the provincial court or to Her Majesty the Queen in Council, but if to the provincial court the decision of that court shall be final.

(5.) If there is an appeal, the sentence shall be suspended until the appeal is determined or abandoned, and for the purpose of any inhibition be deemed not to have been given.

5. *Limitation of prosecutions and conclusiveness of conviction, &c.*] (1.) A complaint under this Act for an offence shall not be made after five years from the date of the offence, or of the last of a series of acts alleged as part of the offence, except that complaint may be made within two years after a conviction by a temporal court becomes conclusive.

(2.) A conviction, order, or finding shall become conclusive for the purposes of this Act—

- (a) where there has been any appeal (whether by case reserved, special case, motion for new trial, writ of error, appeal, or otherwise), upon the date at which the appeal is dismissed or abandoned, or the proceedings on appeal are finally concluded; and
- (b) if there has been no such appeal, upon the expiration of the time limited for such appeal, or where no time is so limited of two months from the date of the conviction, order, or finding;

but, if varied on appeal, shall be conclusive only as so varied, and so far as it is reversed on appeal shall cease to be of any effect.

(3.) After the conviction of a clergyman by a temporal court of committing an act becomes conclusive, a certificate of such conviction shall be conclusive proof in an ecclesiastical court that he has committed the act therein specified, except in the case of a summary conviction, against which there is no right of appeal.

(4.) In the event of any such conviction, order, or finding, by or before a temporal court, as makes the preferment of a clergyman subject to be declared vacant, or renders a clergyman liable to prosecution under this Act, the court shall cause the prescribed certificate of the conviction, order, or finding, to be sent to the bishop of the diocese in which the court sits, and such certificate shall be preserved in the registry of that diocese, or of any other diocese to which it may be sent by direction of the bishop.

6. *Sentence and incapacity for preferment.*] (1.)

When a clergyman is, under this Act, adjudged guilty—

- (a) regard shall be had in considering the sentence to the interests of the ecclesiastical parish or place concerned, and not to precedents of punishments; and
- (b) he may be sentenced in every case to deprivation, and if so sentenced shall be incapable, save as in this Act mentioned, of holding preferment; and
- (c) if he is sentenced to suspension for a term, he shall not, during that term, exercise or perform without leave of the court any right or duty of or incidental or attached to his preferment, nor reside in or within such distance from the house of residence of that preferment as is specified in the sentence, and shall not, at the end of the term, be re-admitted until he has satisfied the court of his good conduct during the term.

(2.) Where by virtue of anything in or done under this Act a clergyman becomes incapable of holding preferment, his incapacity—

- (a) shall cease if he receives a free pardon from the Crown; and
- (b) shall not extend to any preferment which the bishop of the diocese and archbishop of the province in which it is situate, after such public notice, if any, as they think desirable, allow him to hold.

(3.) Where by virtue of anything in or done under this Act the preferment of a clergyman is vacant, the time for lapse shall run from the date at which the prescribed notice of the vacancy is given.

7. *Proceedings in case of disobedience to sentence.*] If a clergyman wilfully disobeys a sentence passed under this Act, or any requirement or direction contained in such sentence, he may be cited before the consistory court, and if, after the prescribed proceedings for enabling him to show cause to the contrary, the chancellor is satisfied that the clergyman has been so wilfully disobedient and ought to be punished for it, the chancellor may pronounce judgment against him, which shall be subject to the like appeal as if pronounced on a trial under this Act, and sentence him to such ecclesiastical punishment as the gravity of the case appears to require, including a sentence of deprivation; and where any sentence is so passed, the writ de cunctum capiendo shall not be issued.

8. *Power to bishop to depose from holy orders a clergyman whose preferment is vacated under Act.*] Where by virtue of this Act, or of any sentence passed in pursuance of this Act, the preferment of a clergyman becomes vacant, and it appears to the bishop of the diocese that such clergyman ought also to be deposed from holy orders, the bishop may, by sentence and without any further formality, depose him, and the sentence of deposition shall be recorded in the registry of the diocese: Provided always, that such clergyman may appeal against the said sentence within one month from the date thereof to the archbishop of the province, whose decision shall be final.

9. *Power to make rules.*] (1.) The Rule Committee, that is to say the Lord Chancellor, the Lord Chief Justice of England, the judge of the provincial court, and the archbishops and bishops who are members of the Privy Council, or any three of the said persons, two of them being the Lord Chancellor and one other of the aforesaid judicial persons, may make rules for carrying this Act into effect, and in particular for regulating all matters relating to procedure, practice, costs, expenses, and fees under this Act, including the appeals (so far as rules made by the Privy Council or the Judicial Committee do not extend), the electing and choosing of assessors, the place of sitting of the court, the giving of security for costs, the passing of sentences, the validity of proceedings notwithstanding defects of form or irregularity, the application of this Act to a clergyman who cannot be found, or holds no preferment, or several preferments, the liability to and recovery of costs and expenses, the forms to be used, and all matters incidental to or connected with the administration of justice under this Act.

(2.) Every rule purporting to be made in pursuance of this section shall be forthwith laid before both Houses of Parliament, and if an address is presented to Her Majesty the Queen by either

House within the next forty days thereafter on which that House has sat, praying that any such rule may be annulled, Her Majesty in Council may annul the same, without prejudice to the validity of anything done in the meantime in pursuance thereof; but subject as aforesaid, every rule shall, while unrevoked, be of the same validity as if enacted in this Act.

10. *Supplemental.*] (1.) Sections two, six, fourteen, eighteen, twenty-two, and twenty-five of the Church Discipline Act, 1840 [3 & 4 Vict. c. 86] (which sections are set out in the schedule to this Act), shall apply as if they were herein re-enacted and in terms made applicable to proceedings under this Act, and with the substitution of the chancellor for the assessor of the bishop, and section fourteen of that Act shall apply where a clergyman is accused before a temporal court of any criminal offence, or of any act constituting an ecclesiastical offence, in like manner as it applies where a charge for the like offence is pending in an ecclesiastical court.

(2.) The consistory court means the court having the powers and duties of a consistory court of a diocese; and shall have jurisdiction over every place, district, and preferment, exempt or peculiar, over which the bishop of the diocese has, by virtue of this Act or otherwise, jurisdiction.

(3.) A bishop may act as bishop for the purposes of this Act in relation to a clergyman holding in his diocese a preferment of which the bishop is patron.

(4.) The judgment of a consistory court (or on appeal) of the appellate court that a clergyman has been guilty of an immoral act, immoral conduct, or immoral habit, or of any offence against the laws ecclesiastical, being an offence against morality and not a question of doctrine or ritual, shall be conclusive that the offence charged is cognizable by a consistory court under this Act.

(5.) The bishop may appoint as a deputy chancellor a barrister of not less than seven years' standing, or the holder of a judicial appointment.

11. *Employment under Act no ground for pension, &c.*] No person shall by reason of any employment or emolument under this Act acquire any right to compensation, superannuation, or other allowance on abolition of office or otherwise.

12. *Definitions.*] In this Act, unless the context otherwise requires,—

The expression "clergyman" means a clergyman, not being a bishop of a diocese, who is in holy orders in the Church of England, or who, though ordained by a bishop of another church, is permitted to officiate as a priest or deacon of the Church of England:

The expression "chancellor" means the judge of the consistory court by whatever name known:

The expression "provincial court" means as respects the province of Canterbury the Arches Court of Canterbury, and as respects the province of York the Chancery Court of York:

The expression "county" includes a riding or division having a separate court of quarter sessions:

The expression "member of a cathedral church" means any dean, residentiary canon, non-residentiary canon, prebendary or honorary canon of that church:

The expression "archdeaconry" includes the Isle of Ely:

The expression "judicial appointment" includes a chairmanship of quarter sessions and a police or stipendiary magistracy:

The expression "judgment" includes decree and order:

The expression "prescribed" means prescribed by rules made in pursuance of this Act:

The expression "Church Discipline Act, 1840," means the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter eighty-six, intituled "An Act for better enforcing Church discipline":

The expressions "immoral act," "immoral conduct," and "immoral habit" shall include such acts, conduct, and habits as are proscribed by the seventy-fifth and one hundred and ninth canons issued by the

Convocation of the Province of Canterbury in the year one thousand six hundred and three.

13. *Exclusion of question of doctrine or ritual, and savings.*] (1.) Nothing in this Act shall

(a) render a clergyman liable to be tried or sentenced under this Act in respect of any question of doctrine or ritual; or

(b) affect any prerogative of Her Majesty the Queen as respects pardon or otherwise; or (c) affect the liability of a clergyman to any prosecution, action, or proceeding, in any court other than an ecclesiastical court, but if he can be prosecuted under this Act for an offence, any other criminal proceeding against him for that offence shall not be instituted in an ecclesiastical court.

(2.) This Act shall apply only to a clergyman who either holds preferment within the meaning of this Act, or resides or has committed the offence in England or Wales; and where a clergyman holds a licence from a bishop in England or Wales, this Act shall apply to that clergyman, notwithstanding that he resides elsewhere, as if he held preferment in the diocese of that bishop.

14. *Short title, commencement of Act, and repeal.*] (1.) This Act may be cited as the Clergy Discipline Act, 1892.

(2.) This Act shall come into operation at the expiration of three months next after it passes, and, so far as regards any prosecution and trial under this Act, apply to offences committed before or after the passing or commencement thereof.

(3.) The Church Discipline Act, 1840, shall, except so far as the sections in the schedule to this Act are applied by this Act, be repealed as respects any proceeding instituted after the commencement of this Act against a clergyman for an offence for which he can be prosecuted or his benefice declared vacant under this Act.

[Schedule containing sections 2, 6, 14, 18, 22, and 25 of the Church Discipline Act, 1840 [3 & 4 Vict. c. 86].]

CHAPTER 33.

[Appropriation Act, 1892.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-three, and to appropriate the supplies granted in this Session of Parliament.

[27th June 1892.]

CHAPTER 34.

[Naval Knights of Windsor (Dissolution) Act, 1892.]

An Act for dissolving the Corporation styled the Naval Knights of Windsor of the foundation of Samuel Travers, Esquire, and for regulating the application of the property thereof, and for applying and amending the Greenwich Hospital Acts. [27th June 1892.]

CHAPTER 35.

[Colonial Stock Act, 1892.]

An Act to amend the Colonial Stock Act, 1877, so far as regards the mode of transfer of Stock to which that Act applies.

[27th June 1892.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the Colonial Stock Act, 1892, and this Act and the Colonial Stock Act, 1877 [40 & 41 Vict. c. 59], may be cited together as the Colonial Stock Acts, 1877 and 1892.

2. *Amendment of 40 & 41 Vict. c. 59, as respects mode of transfer of stock.*] (1.) Any stock issued after the passing of this Act to which the Colonial Stock Act, 1877, applies may, if so provided by regulations under section 16 of that Act (which regulations the registrar is hereby authorised to make), be transferred by deed according to the form in the schedule to this Act, or to the like effect, and such deed, when duly executed by all parties, shall be delivered to the registrar and kept by him, and a memorial thereof shall be entered in the register.

(2.) On demand of the holder of any stock transferable by deed the registrar shall cause a certificate of the proprietorship thereof to be delivered to each holder, and such certificate shall be prima facie evidence of the title of the holder to the stock therein specified; nevertheless the want of such certificate shall not prevent the holder of any stock from disposing thereof.

(3.) Where stock of a colony has been issued before the passing of this Act, and the regulations for the transfer of such stock provide for its transfer in like manner as is authorised by this Act, the Government of the colony, if desirous that the Colonial Stock Act, 1877, as amended by this Act, should apply to the said stock, may, by a declaration made, deposited, and recorded in like manner as a declaration adopting that Act, declare such desire, and identify the stock with reference to which the declaration is made and thereupon this Act shall apply as if it had been enacted before the issue of the stock and the said regulations had been made in pursuance of section sixteen of the Colonial Stock Act, 1877.

(4.) Section nineteen of the Colonial Stock Act, 1877, shall not apply to any stock in respect to which the provisions of that section have not been observed before the passing of that Act.

(5.) A declaration under this Act may be made whether there has or has not been a prior declaration applying to the stock the Colonial Stock Act, 1877.

3. Application of Act to Isle of Man. This Act shall apply to the Isle of Man in like manner as if section six of the Isle of Man Loans Act, 1880 [43 & 44 Vict. c. 8], referred to the Colonial Stock Act, 1877, as amended by this Act, and that section shall be deemed to have authorised the Government of the Isle of Man to provide for the transfer of stock in manner provided by this Act.

SCHEDULE.

STOCK.

[Here identify stock.]

I, or we,
of
in consideration of the sum of £
paid by
being the consideration money
for pounds stock do Money.
hereby transfer the said stock [together
with the interest accrued thereon since the
last half-yearly payment of such interest]
to the said transferee.

And the said transferee hereby accepts
the transfer of the same subject to the
conditions on which the transferor held the
same.

Witness our hands and seals this
day of one thousand eight hundred
and ninety-

Signed, sealed, and delivered by
the above-named

in the presence of

Signature of } witness

Address

Occupation

Signed, sealed, and delivered by
the above-named

in the presence of

Signature of } witness

Address

Occupation

CHAPTER 38.

[*Forged Transfers Act, 1892.*]

An Act to remove doubts as to the meaning of the Forged Transfers Act, 1891.

[27th June 1892.]

Be it enacted, &c.:

1. *Short Title.* This Act may be cited as the Forged Transfers Act, 1892, and this Act and the Forged Transfers Act, 1891 [54 & 55 Vict. c. 43],

may be cited together as the Forged Transfers Acts, 1891 and 1892.

2. *Removal of doubt as to the operation of 54 & 55 Vict. c. 43.* Whereas by sub-section one of section one of the Forged Transfers Act, 1891, it is provided that such company or local authority as therein mentioned "shall have power to make compensation by a cash payment out of their funds for any loss arising from the transfer of any such shares, stock, or securities in pursuance of a forged transfer, or of a transfer under a forged power of attorney," and it is expedient to remove doubts as to the application of the Act to losses and forgeries before the passing of the Act: Be it therefore enacted as follows:—

The Forged Transfers Act, 1891, shall have effect as if at the end of sub-section one of section one of that Act there were added the words "whether such loss arises, and whether the transfer or power of attorney was forged before or after the passing of this Act, and whether the person receiving such compensation, or any person through whom he claims, has or has not paid any fee or otherwise contributed to any fund out of which the compensation is paid."

3. *Amendment of 54 & 55 Vict. c. 43, s. 1 (2).* Sub-section two of section one of the said Act shall be read as if, after the words "on any one hundred pounds transferred," were inserted the words "with a minimum charge equal to that for twenty-five pounds."

4. *Provision where one company takes over shares, &c., of another company.* Where the shares, stock, or securities of a company or local authority have by amalgamation or otherwise become the shares, stock, or securities of another company or local authority, the last-mentioned company and authority shall have the same power under the Forged Transfers Act, 1891, and this Act, as the original company or authority would have had if it had continued.

CHAPTER 37.

[*Merchant Shipping Act, 1892.*]

An Act to amend the Merchant Shipping Acts. [27th June 1892.]

Be it enacted, &c.:

1. *Ships with submerged load lines to be deemed to be unsafe.* Every ship so loaded as to submerge in salt water the centre of the disc placed thereon in pursuance of the Merchant Shipping Acts, 1876 to 1890, and the regulations made thereunder, shall be deemed to be "unsafe" within the meaning of the Merchant Shipping Act, 1876 [39 & 40 Vict. c. 80], and such submersion shall be reasonable and probable cause for the detention of the ship.

2. *Penalty for default in complying with regulations as to freeboard.* If any person makes default in complying with any regulation made by the Board of Trade in pursuance of the Merchant Shipping Act, 1890 [53 & 54 Vict. c. 9], with respect to the entry, publication, or delivery of copies of certificates or other particulars as to the draught of water and freeboard of a ship, he shall for each such default incur a penalty not exceeding one hundred pounds.

3. *Provisions and water for crew to be inspected.* (1.) In the case of ships trading or going from any port of the United Kingdom through the Suez Canal, or round the Cape of Good Hope or Cape Horn, the prescribed officer shall in the prescribed manner, and before shipment whenever practicable, inspect the barrels of beef and pork, preserved meat and vegetables in tins, and the casks of flour or biscuits intended for the use of the crews of such ships, and shall in the prescribed manner, if satisfied that they are fit for such use, certify the same accordingly.

(2.) The prescribed officer may at any time proceed on board a ship to ascertain whether the stores and water provided have been duly inspected, or, if not, whether they are of a quality fit for the use of the crew of such ship. If he finds the same not to have been inspected, and deficient in quality, he shall detain the ship until such defects are remedied to his satisfaction.

(3.) No fee for such inspection shall be levied on the ship.

4. *Appointment of officers.* The Board of Trade may appoint officers for the purposes of any inspection required under this Act, and may, with the concurrence of the Treasury, assign them remuneration to be paid out of moneys provided by Parliament.

5. *Rules to be laid before Parliament.* All rules made under this Act shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next meeting of Parliament, and shall not come into operation until they have lain for forty days before both Houses of Parliament during the session of Parliament.

6. *Citation, construction, and rules.* (1.) This Act may be cited as the Merchant Shipping Act, 1892, and shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same.

(2.) The Board of Trade may make rules for the purposes of this Act, and the expression "prescribed" means prescribed by rules so made.

CHAPTER 38.

[*Police Returns Act, 1892.*]

An Act to alter the period for which certain Police Returns are required to be made.

[27th June 1892.]

Be it enacted, &c.:

1. *Amendment of provision as to annual police returns.* The annual statement required by section fourteen of the County and Borough Police Act, 1856 [19 & 20 Vict. c. 69], shall be made for each calendar year, and shall be transmitted to one of Her Majesty's principal Secretaries of State as soon as may be after the termination of that year.

2. *Commencement.* This Act shall come into operation on the first day of January one thousand eight hundred and ninety-three.

3. *Short title.* This Act may be cited as the Police Returns Act, 1892.

CHAPTER 39.

[*National Debt (Stockholders Relief) Act, 1892.*]

An Act to amend the National Debt Act, 1870. [27th June 1892.]

Be it enacted, &c.:

1. *Notice to stockholder of impending transfer of unclaimed stock.* The Bank shall during the six months next before any transfer of stock to the National Debt Commissioners in pursuance of section fifty-one of the National Debt Act, 1870 [33 & 34 Vict. c. 71], give notice in writing to the stockholder at his registered residence of the impending transfer.

2. *Date for striking balance.* The Bank may strike the balance for a dividend on stock on any day not being more than thirty-seven days before the day on which the dividend is payable, and any person who is on the day of the balance being struck inscribed as a stockholder shall, as between himself and any transferee of the stock, be entitled to the then current half-year's or quarter's dividend thereon.

3. *Infants.* In the following cases, namely,—

(a.) Where an infant is the sole survivor in an account; and
(b.) Where an infant holds stock jointly with a person under legal disability; and
(c.) Where stock has by mistake been bought in or transferred into the sole name of an infant,

the Bank may, at the request in writing of the parent, guardian, or next friend of the infant, receive the dividends and apply them to the purchase of like stock, and the stock so purchased shall be added to the original investment.

4. *Powers of stockholders under statutory provisions.* (1.) Where, by virtue of any provision in an Act of Parliament, the right to stock is vested in any person, he shall by virtue of the same provi-

sion be deemed to be entitled to make a valid transfer of the stock and to receive and give a valid receipt for any accrued or accruing dividends on the stock.

(2.) Where by virtue of any such provision the right to transfer stock is vested in any person, he shall by virtue of the same provision be deemed to be entitled to receive, and give a valid receipt for, any accrued or accruing dividends on the stock.

5. *Power to hold stock on different accounts.* The Bank may in any register of stock allow any holder or joint holders to have more than one account. Provided as follows:—

- (1.) Each account must be distinguished by a number or by such other designation as may be directed by the Bank:
- (2.) The Bank shall not be required to permit more than four accounts to be opened in the same name or names; and
- (3.) Nothing in this section shall affect the Bank with notice of any trust.

6. *Holding of stock by bodies corporate.* Stock may be transferred to and held in the names of an individual and a body corporate, or of two or more bodies corporate, and any such holding shall in its relation to the Bank be deemed a joint tenancy.

7. *Loss or destruction of stock or scrip certificate.* (1.) In the event of the loss or destruction of a stock certificate or scrip certificate, the Bank, before authorising the issue of a duplicate, may require:—

- (a.) Evidence to the satisfaction of the Bank of the loss or destruction and ownership of the certificate; and
- (b.) A delay of not more than one year from the date of the loss or destruction; and
- (c.) The advertisement of the loss or destruction in two or more London or Dublin daily papers (as the case requires); and
- (d.) Either the transfer of a sum of stock, of a description approved by the Governor or Deputy Governor of the Bank, equivalent to the market value on the day of transfer of the lost or destroyed certificate, and at least six and a half years dividends thereon, into the joint names of the Governor and Deputy Governor, by way of security; or the execution of a bond of indemnity in which the owner shall be joined by one or more responsible persons.

(2.) After the expiration of six years from the date of the transfer of the stock, or of the execution of the indemnity, the person interested may, having duly advertised the facts a second time in two or more London or Dublin daily papers (as the case requires) request the Bank to release the stock or to cancel the indemnity, and, on such request being complied with, any other claimant shall not have any claim against the Bank, but shall have recourse against the person who obtained the duplicate certificate.

8. *Application to stocks transferable in books of Bank.* This Act shall apply to all stock for the time being transferable in the books of the Bank, except so far as there is anything to the contrary in any Act under which the stock was created.

9. *Meaning of Bank.* In this Act the expression "Bank" means the Bank of England or the Bank of Ireland, as the case may require.

10. *Short title and construction.* This Act may be cited as the National Debt (Stockholders' Relief) Act, 1892, and shall be read as one with the National Debt Act, 1870 [33 & 34 Vict. c. 71].

CHAPTER 40.

[*Superannuation Act, 1892.*]

An Act to amend the Acts relating to Superannuation Allowances and Gratuity to Persons in the Public Service so far as respects the computation of successive Service in different Offices where not all subject to the Superannuation Acts, 1854 and 1857, and as respects the application of Section Six of the Superannuation Act, 1857, to Employments of Profit under the Government of India. [27th June 1892.]

CHAPTER 41.

[*Boards of Management of Poor Law District Schools (Ireland) Act, 1892.*]

An Act to provide for expenses incurred by Members of Boards of Management of Poor Law District Schools in Ireland.

[27th June 1892.]

CHAPTER 42.

[*Irish Education Act, 1892.*]

An Act to improve National Education in Ireland.

[27th June 1892.]

CHAPTER 43.

[*Military Lands Act, 1892.*]

An Act to consolidate and amend certain Enactments relating to the Acquisition of Land for Military Purposes.

[27th June 1892.]

Be it enacted, &c. :

PART I.

Acquisition of Land for Military Purposes.

1. *Powers to purchase land.* (1.) A Secretary of State may purchase land in the United Kingdom under this Act, for the military purposes of any portion of Her Majesty's military forces.

(2.) A volunteer corps may, with the consent of the Secretary of State, themselves purchase land under this Act for military purposes.

(3.) The council of a county or borough may, at the request of one or more volunteer corps, purchase under this Act, and hold, land on behalf of the volunteer corps for military purposes.

(4.) The Secretary of State shall, before giving his consent to the purchase of any land under this Act by a volunteer corps, send an inspector to the land for the purpose of ascertaining its capabilities of being used for military purposes with due regard to the safety and convenience of the public, and shall give or withhold his consent accordingly.

2. *Machinery for purchase of land.* For the purpose of the purchase of land under this Act, the Lands Clauses Acts shall be incorporated with this Act, with the exceptions and additions and subject to the provisions following: (that is to say),

(1.) There shall not be incorporated with this Act sections sixteen or seventeen of the Lands Clauses Consolidation Act, 1845, or the provisions of that Act with respect to affording access to the special Act.

(2.) In the construction of this Act and the incorporated Acts this Act shall be deemed to be the special Act, and the Secretary of State, volunteer corps, or council of a county or borough, as the case may be (in this section referred to as "the purchaser"), shall be deemed to be the promoters of the undertaking.

(3.) Where the Secretary of State is the purchaser—

(a.) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the seal of the Secretary of State, and shall be sufficient without the addition of the sureties in those sections mentioned.

(b.) When compensation has been paid to any person in respect of any estate or interest in land taken under this Act, the land shall vest in the Secretary of State for all the estate and interest of that person, including any estate or interest therein held in trust by that person or capable of being conveyed by him in pursuance of any power. Nevertheless the Secretary of State may require that person to execute any conveyance which he might have been required to execute if this Act had not passed; and nothing in this section shall in any manner invalidate any such conveyance when executed.

(4.) The provisions of the incorporated Acts with respect to the purchase of land compulsorily shall not be put in force until a

Provisional Order has been made and the sanction of Parliament has been obtained in manner in this Act mentioned.

(5.) One month at the least before the making of the Provisional Order, if the Secretary of State is the purchaser, and before the application for the Order in any other case, the purchaser shall serve, in manner provided by the Lands Clauses Acts, a notice on every owner or reputed owner, lessee or reputed lessee, and occupier of any land intended to be so purchased, describing the land intended to be taken, and in general terms the purposes to which it is to be applied, and stating the intention of the purchaser to obtain the sanction of Parliament to the purchase thereof, and inquiring whether the person so served assents or dissents to the taking of his land, and requesting him to forward to the purchaser any objections he may have to his land being taken.

(6.) Where the Secretary of State is the purchaser, he shall, at some time after the service of the notice, cause a public local inquiry to be held by a competent officer into the objections made by any persons whose land is required to be taken, and by other persons, if any, interested in the subject matter of the inquiry.

(7.) Where the purchaser is a volunteer corps or the council of a county or borough—

(a.) The corps or council may, if they think fit, on compliance with the provisions of this section with respect to notices, present a petition to a Secretary of State. The petition shall state the land intended to be taken, and the purposes for which the land is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking the land, or who have returned no answer to the notice. The petition shall pray that the corps or council may, with reference to the land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, and the prayer shall be supported by such evidence as the Secretary of State requires:

(b.) On receipt of the petition and on due proof of the proper notices having been served, the Secretary of State shall take the petition into consideration, and may either dismiss the same, or direct a public local inquiry to be held by a competent officer as to the propriety of assenting to the prayer of the petition.

(8.) Before a local inquiry is held in pursuance of this section the Secretary of State shall publish a notice of the intention to hold the inquiry—

(a.) by affixing copies conspicuously on or in the immediate neighbourhood of the land proposed to be acquired; and

(b.) by advertising the notice once at least in each of two successive weeks in some one and the same local newspaper circulating in the neighbourhood.

(9.) If after the local inquiry has been held the Secretary of State is satisfied that the land ought to be taken, he may make a Provisional Order to that effect, authorising the taking of the land either by himself or by a volunteer corps or by a council of a county or borough, as the case may be, and may submit a Bill to Parliament for the confirmation of the Provisional Order, but the Provisional Order shall not be of any effect unless and until it is confirmed by Parliament.

(10.) If, while the Bill confirming any such order is pending in either House of Parliament, a petition is presented against anything comprised therein, the Bill, so far as relates to the Order, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of private Bills.

3. *Power to let land.* Land acquired under this Act may be let by a volunteer corps, or if acquired

by the council of a county or borough by that council, in any manner consistent with the use thereof for military purposes.

4. *Payment of expenses.*] Any expenses incurred by the council of a county or borough for the purposes of this Act shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

5. *Power of volunteer corps to borrow.*] (1.) A volunteer corps may, with the consent of the Secretary of State, and subject to such conditions as he may impose, borrow such money as may be required for the purpose of the purchase by them of land under this Act.

(2.) The money shall be borrowed on the security of the land acquired by the volunteer corps, and also on the security of any grant to the corps out of money provided by Parliament.

6. *Powers of borough council to borrow.*] The council of a borough may borrow for the purpose of acquiring land under this Act in like manner as they may borrow for the purposes of the Public Health Act, 1875 [38 & 39 Vict. c. 55], and the provisions of that Act shall apply accordingly, but the money shall be borrowed on the security of the borough fund or borough rate.

7. *Power for Public Works Loan Commissioners to lend.*] (1.) The Public Works Loan Commissioners may in manner provided by the Public Works Loans Act, 1875 [38 & 39 Vict. c. 89], lend any money which may be borrowed for the purposes of this Act, and may so lend on the security authorized by this Act without requiring any other security.

(2.) Every loan by the Public Works Loan Commissioners under this Act shall be repaid within a period not exceeding fifty years, and shall bear interest at a rate not less than three and a half per centum per annum, or such other rate as may be fixed by a minute of the Treasury under section two of the Public Works Loans Act, 1879 [42 & 43 Vict. c. 77].

8. *Provision as to disbandment of corps, &c.*] (1.) If a volunteer corps holding land under this Act is disbanded, the land shall, by virtue and subject to the provisions of this section, vest in the Secretary of State from the date of the disbandment, subject to the repayment of any money borrowed for the purchase of the land, and not already repaid, and the sums required for such repayment shall, if and so far as not provided by the sale of the land, be paid out of moneys provided by Parliament for Army services.

(2.) A certificate of the Secretary of State that land has vested in him under this section shall be conclusive evidence of the fact certified.

(3.) If the volunteer corps on whose behalf land is acquired under this Act by a county or borough council is disbanded, the council may either appropriate the land to any purpose approved by the Local Government Board, or sell it for the best price that can be reasonably obtained, and any money arising from the sale shall be applied towards repaying any money borrowed for the purchase of the land, and so far as not required for that purpose shall be applied to any purpose to which capital moneys are properly applicable, and which is approved by the Local Government Board.

Provided that before so appropriating any such land or before selling any such land, if it is not so appropriated, the council shall offer to sell the same to the person then entitled to the land (if any) from which the same was originally severed, and thereupon sections one hundred and twenty-nine to one hundred and thirty-two, both inclusive, of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18], shall apply as if the land were superfluous land and the council were the promoters of the undertaking within the meaning of those sections.

9. *Rules as to exercise of powers, &c., by volunteer corps.*] (1.) Rules under section twenty-four of the Volunteer Act, 1863 [26 & 27 Vict. c. 65], may provide for the exercise of any powers and the performance of any duty under this Act by any officer of the volunteer corps on behalf of the corps, and may provide generally for the carrying into effect of this Act by a volunteer corps.

(2.) The powers given by section twenty-five of

the Volunteer Act, 1863, to the commanding officer for the time being of a volunteer corps and his successors shall include a power to mortgage any land acquired under this Act and to do all things necessary for that purpose.

10. *Provision as to land belonging to Crown, &c.*] (1.) The Commissioners of Woods with the consent of the Treasury, as to land belonging to the Crown, the Chancellor and Council of the Duchy of Lancaster by deed under the hand and seal of the Chancellor, attested by the clerk of the Council, as to land forming part of possessions of the Duchy of Lancaster, and the Duke of Cornwall or other the persons for the time being having power to dispose of land belonging to the Duchy of Cornwall, as to land forming part of possessions of that duchy, may lease land for military purposes to a Secretary of State or a volunteer corps for a term not exceeding twenty-one years, but the lease shall cease to have effect if the land ceases to be used for military purposes.

(2.) Where any land is vested in the Crown and is under the management of any commissioners or departments other than the Commissioners of Woods, and where land is held by any public department for the public service, the commissioners or department having the management of the lands may exercise, as regards the land, any powers which under this Act may be exercised as respects land belonging to the Crown by the Commissioners of Woods.

(3.) The Commissioners of Works may lease to a Secretary of State or to a volunteer corps for military purposes any portion of such royal parks, gardens, and possessions as are under the management of those Commissioners, for a term not exceeding twenty-one years, and subject to such conditions as the Commissioners think fit; but the lease shall be at all times revocable by Her Majesty.

11. *Power to lease land held for public purposes.*] (1.) Any person, body of persons, or authority holding land for ecclesiastical or public purposes may lease any such land to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, subject to the following provisions:

(a.) An ecclesiastical corporation sole below the dignity of a bishop shall not grant any such lease without the consent in writing of the bishop to whose jurisdiction he is subject, and of the patron of the preferment to which the land belongs, or the guardians or trustees of such patron:

(b.) A lease of parochial property shall be granted under and in accordance with the provisions of section three of the Union and Parish Property Act, 1835 [5 & 6 Will. 4, c. 69], and the Acts amending the same:

(c.) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons duly convened may grant a lease under this section and execute any instrument for that purpose:

(d.) Where the land belongs to an administrative county, the county council may grant a lease under this section with the consent of the Local Government Board.

(2.) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.

12. *Proof that land has ceased to be used for military purposes.*] Any land leased under this Act shall be deemed to have ceased to be used for military purposes where there has not been such use for a period of one year, and a certificate of the fact of such non-use is given by a Secretary of State; and the certificate shall be conclusive evidence of the fact of such non-use.

13. *Power to stop or divert footpaths.*] (1.) Where a footpath crosses or runs inconveniently or dangerously near to any land leased under this Act, that footpath may, with the consent of the vestry of the parish in which the same is situate, and on the certificate of two justices that the footpath to be substituted is convenient for the public, be stopped up or diverted.

(2.) The provisions of the Highway Act, 1835 [5 & 6 Will. 4, c. 50], as to the obtaining of a certif-

cate and the stopping up or diverting a highway where a person other than the inhabitants or vestry are desirous of stopping up, diverting, or turning a highway shall apply so far as practicable to the obtaining of a certificate, and the stopping up or diverting a footpath under this section; with this exception, that the certificate of the justices shall be conclusive in cases where it states the fact of their having viewed the footpath to be stopped up or diverted, and that the proposed new footpath is convenient for the public.

PART II.

Byelaws as to Land used for Military Purposes.

14. *Power of Secretary of State to make byelaws as to use of land held for military purposes and securing safety of public.*] (1.) Where any land belonging to a Secretary of State or to a volunteer corps is for the time being appropriated by or with the consent of a Secretary of State for any military purpose, a Secretary of State may make byelaws for regulating the use of the land for the purposes to which it is appropriated, and for securing the public against danger arising from that use, with power to prohibit all intrusion on the land and all obstruction of the use thereof.

Provided that no byelaws promulgated under this section shall authorise the Secretary of State to take away or prejudicially affect any right of common.

(2.) Where any such byelaws permit the public to use the land for any purpose when not used for the military purpose to which it is appropriated, those byelaws may also provide for the government of the land when so used by the public, and the preservation of order and good conduct thereon, and for the prevention of nuisances, obstructions, encampments, and encroachments thereon, and for the prevention of any injury to the same, or to anything growing or erected thereon, and for the prevention of anything interfering with the orderly use thereof by the public for the purpose permitted by the byelaws.

(3.) For the purposes of this section, "land belonging to a Secretary of State" means land under the management of a Secretary of State, whether vested in Her Majesty or in the Secretary of State, or in a person as trustee for Her Majesty or the Secretary of State; and "land belonging to a volunteer corps" means any land vested in that corps or in any person as trustee for that corps.

15. *Application of byelaws where right of way required.*] Where a Secretary of State or a volunteer corps has for the time being the right of using for any military purpose any land vested in another person, this Part of this Act shall apply in like manner as if the land were vested in the Secretary of State or volunteer corps, and the same were appropriated for the said purpose, save that nothing therein or in any byelaws made thereunder shall injuriously affect the private rights of any person further or otherwise than is authorised by the grant of the right to use the land.

16. *Byelaws as to highways.*] (1.) A byelaw under this Act shall not interfere with any highway, unless made with the consent of the authority having control of the repair of the roads of the town, district, parish, or other area in which the highway is situate, but where it appears to the authority that any highway crosses or runs inconveniently or dangerously near to any land the use of which can be regulated by byelaws under this Act, the authority may consent to a byelaw providing to such extent as seems reasonable for the temporary diversion from time to time of the highway, or for the restriction from time to time of the use thereof.

(2.) Any such highway, if a footpath, may (without prejudice to any other power of stopping up or diverting the same) be stopped up or diverted in the manner in which a footpath crossing or running inconveniently or dangerously near to any land leased under Part One of this Act may be stopped up or diverted.

17. *Notice and enforcement of byelaws.*] (1.) A Secretary of State, before making any byelaws under this Act, shall cause the proposed byelaws to be made known in the locality, and give an opportunity for objections being made to the same, and shall receive and consider all objections made;

and when any such byelaws are made, shall cause the boundaries of the area to which the byelaws apply to be marked, and the byelaws to be published, in such manner as appears to him necessary to make them known to all persons in the locality; and shall provide for copies of the byelaws being sold at the price of one shilling for each copy to any person who desires to obtain the same.

(2.) If any person commits an offence against any byelaw under this Act, he shall be liable, on conviction before a court of summary jurisdiction, to a fine not exceeding five pounds, and may be removed by any constable or officer authorised in manner provided by the byelaw from the area, whether land or water, to which the byelaw applies, and taken into custody without warrant, and brought before a court of summary jurisdiction to be dealt with according to law, and any vehicle, animal, vessel, or thing found in the area in contravention of any byelaw, may be removed by any constable or such officer as aforesaid, and on due proof of such contravention, be declared by a court of summary jurisdiction to be forfeited to Her Majesty.

(3.) A byelaw under this Act shall be deemed to be a regulation within the meaning of the Documentary Evidence Act, 1868 [31 & 32 Vict. c. 37], and may be proved accordingly.

18. *Byelaws in case of leased land.* (1.) Where land has been leased under Part One of this Act, a byelaw made in respect of that land shall not be inconsistent with any condition contained in the instrument of lease.

(2.) Where land has been leased under Part One of this Act subject to a condition that byelaws relating to the land shall be made with the consent of the lessor, or shall be made by the lessor subject to the approval of the Secretary of State, that condition shall be observed, and the lessor, acting with the approval of the Secretary of State, shall have the same power of making byelaws in relation to the land as is conferred by this Act on the Secretary of State.

PART III.

Supplemental.

19. *Application of Act to yeomanry corps.* This Act shall apply in the case of a yeomanry corps as if it were a volunteer corps; and all land acquired by a yeomanry corps shall vest in the commanding officer of the corps for the time being and his successors in office with power for him to sue and make contracts and conveyances and to do all other lawful acts relating thereto.

20. *Power to have compensation settled by arbitration.* Where any land is acquired under this Act or for military purposes under any Act with which the Lands Clauses Acts are incorporated, the person or authority acquiring the land may require that the compensation to be paid for the land be settled by arbitration and not by reference to a jury, and thereupon the provisions of the Lands Clauses Acts with reference to arbitration shall, if not already applicable, apply for the purpose of settling the compensation.

21. *Power to enter on land to fix alignment marks.* Where the Secretary of State certifies that it is necessary for the purposes of coast defence operations that alignment marks should be provided in any places upon the coast, the following provisions shall apply for that purpose:—

(a.) Any person authorised by the Secretary of State may, after seven days' notice to the owner of the land, enter upon any land for the purpose of erecting, repairing, or replacing such alignment marks, and may do all things necessary for any such purpose, but shall do as little damage to the land as possible.

(b.) Full compensation shall be paid to the owner of the land for any damage caused in or by the erection, repair, or replacement of such alignment marks, and in case of dispute the amount of compensation shall be determined by arbitration under the Arbitration Act, 1889 [52 & 53 Vict. c. 49].

(c.) If any person refuses to permit any authorised person to enter upon any land for the purpose of this section, or obstructs the erection, repair, or replacing of any such alignment marks, or destroys, displaces,

damages, or obstructs, any such alignment marks, he shall be liable on summary conviction to a fine not exceeding five pounds.

22. *Saving for acquisition of land under other Acts.* All powers given by this Act shall be in addition to any other power to acquire land for military purposes conferred by any Act passed before this Act, and nothing contained in this Act shall prejudicially affect the powers vested in the Secretary of State for War under the Defence Acts and the Acts incorporated therewith.

23. *Interpretation.* In this Act the expression "military purposes" includes rifle or artillery practice, the building and enlarging of barracks and camps, the erection of butts, targets, batteries, and other accommodation, the storing of arms, military drill, and any other purpose connected with military matters approved by the Secretary of State.

In this Act and the enactments incorporated therewith the expression "land" includes any easement in or over lands, and for the purpose of Part One of this Act includes any right of firing over lands or other right of user.

24. *Saving for New Forest.* Nothing in this Act shall authorise the taking of any land in the New Forest, or shall empower the Commissioners of Woods, to grant, or lease, or give any licence over any land in the New Forest: Provided that nothing herein-before contained shall prevent the Secretary of State from proceeding at any time to acquire lands in the New Forest for the purposes of this Act by Provisional Order, but no such Provisional Order shall be of any effect unless and until the provisions of section two of this Act with respect to the taking of lands by the Secretary of State shall have been complied with: Provided also, that in case the Secretary of State shall be desirous of acquiring the lands which were the subject of an inquiry held by the Honourable T. H. W. Pelham at Lyndhurst in the year one thousand eight hundred and ninety-two, such last-mentioned inquiry shall be deemed to be the local inquiry with regard to the acquisition of such lands rendered necessary by this Act.

25. *Application to Scotland.* In the application of this Act to Scotland, the following provisions shall have effect:—

(1.) The expression "council of a county or borough" means the county council of a county or the town council of a burgh, as defined by the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50].

(2.) The expression "county fund" and "borough fund or borough rate," mean respectively the general purpose rate and the police rate:

(3.) For the purpose of acquiring land under this Act, a county council may borrow in like manner as they may borrow under section sixty-seven of the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50], and a town council in like manner as they may borrow under section fourteen of the Public Parks (Scotland) Act, 1878 [41 Vict. c. 8].

(4.) The expression "Local Government Board" means Secretary for Scotland:

(5.) A reference to any sections of the Lands Clauses Consolidation Act, 1845, shall be construed to mean a reference to the corresponding sections of the Lands Clauses Consolidation (Scotland) Act, 1845 [8 & 9 Vict. c. 19].

(6.) Section eleven of this Act shall not apply to Scotland, and in lieu thereof the following provision shall have effect, namely:—

Any person, body of persons, or authority holding land for ecclesiastical or public purposes, may lease such land to a Secretary of State or to a volunteer corps for military purposes for any term not exceeding twenty-one years, subject to the following provisions:—

(a.) The minister of a parish who shall be in possession of a glebe shall be entitled to grant such lease as if the words "twenty-one years" had been substituted for the words "eleven years" in the third section of the Glebe Lands

(Scotland) Act, 1866 [29 & 30 Vict. c. 71], provided that in all other respects the provisions of the said third section be observed;

(b.) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons, duly convened, may grant a lease under this section, and execute any instrument for that purpose;

(c.) Where the land belongs to a county council or a town council, that council may grant a lease under this section with the consent of the Secretary for Scotland;

(d.) A lease under this section shall cease to have effect if the land ceases to be used for military purposes:

(7.) The sheriff of the county shall give the consent and grant the certificate required under sub-section one of section thirteen of this Act, and sections forty-two and forty-three of the Roads and Bridges (Scotland) Act, 1878 [41 & 42 Vict. c. 51], shall be substituted for sub-section two of section thirteen of this Act:

(8.) The expression "court of summary jurisdiction" means the sheriff or any two justices of the peace sitting in open court, or any magistrate or magistrates within the meaning of the Summary Jurisdiction Acts:

(9.) Any dispute as to the amount of compensation under section twenty-two of this Act shall be determined in the manner provided by the Agricultural Holdings (Scotland) Act, 1883.

26. *Application to Ireland.* In the application of this Act to Ireland the following provisions shall have effect:—

- (1.) A reference to the Public Health Act, 1875, shall be construed to mean a reference to the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 22];
- (2.) The expression Commissioners of Works means the Commissioners of Public Works in Ireland;
- (3.) An arbitration under this Act shall be carried out in accordance with the provisions of the Lands Clauses Acts;
- (4.) Section 11 of this Act shall not apply to Ireland, and in lieu thereof the following provision shall have effect, namely—

Any person, body of persons, or authority holding land for public purposes may lease such land to a Secretary of State for military purposes for any term not exceeding twenty-one years, subject to the following provisions:—

(a.) Where the land is vested in any trustees, commissioners, or other body of persons, a majority of a meeting of such trustees, commissioners, or other body of persons, duly convened, may grant a lease under this section and execute any instrument for that purpose;

(b.) A lease under this section shall cease to have effect if the land ceases to be used for military purposes.

(5.) Section thirteen of this Act shall not apply to Ireland, but in lieu thereof the following provision shall have effect, namely—

Where a footpath crosses or runs inconveniently or dangerously near to any land leased under this Act, that footpath may be stopped up or diverted after presentment made in accordance, as nearly as may be, with section sixty of the Grand Jury (Ireland) Act, 1836 [46 & 47 Vict. c. 62].

27. *Limited application of Act to Isle of Man.* The powers given to the Commissioners of Woods by this Act shall extend to any allotment that may be made to and any land that may be purchased on behalf of Her Majesty, under the provisions of an Act of Tynwald, intituled the Isle of Man Disafforesting Act, 1860, but save as aforesaid, this Act shall not extend to the Isle of Man.

28. *Repeal.* The Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule:

Provided that land acquired in any manner under any enactment repealed by this Act shall be deemed to have been acquired in a similar manner under this Act, and any byelaws made under any enactment so repealed shall be deemed to have been made under this Act.

29. *Short title.*—This Act may be cited as the Military Lands Act, 1892.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
22 Vict. c. 12	The Defence Act, 1859	Section one.
26 & 27 Vict. c. 65	The Volunteer Act, 1863	Sections thirty-one to forty inclusive.
34 & 35 Vict. c. 86	The Regulation of the Forces Act, 1871	Section seventeen.
48 & 49 Vict. c. 36	The Artillery & Rifle Ranges Act, 1885	The whole Act, except section three.
49 & 50 Vict. c. 5	The Drill Grounds Act, 1886	The whole Act.
53 & 54 Vict. c. 25	The Barracks Act, 1890	Sections two and three.
54 & 55 Vict. c. 54	The Ranges Act, 1891	The whole Act, except section eleven so far as that section relates to the acquisition of land under the Defence Act, 1842, and the Acts amending the same.

CHAPTER 44.

[Railway and Canal Traffic Act, 1892.]

An Act to amend the Railway and Canal Traffic Act, 1888. [27th June 1892.]

Whereas by section twenty-four of the Railway and Canal Traffic Act, 1888 [51 & 52 Vict. c. 25], it is provided that after the commencement of the session of Parliament next after that in which the report of the Board of Trade with respect to a classification of traffic and schedule of rates and charges has been submitted to Parliament, the Board of Trade may embody in a Provisional Order such classification and schedule as in the opinion of the Board of Trade ought to be adopted, and procure a Bill to be introduced to confirm the Order, and it is expedient to amend this provision: Be it therefore enacted, &c.:

1. *Time for application for Provisional Order.*—A Provisional Order in pursuance of sub-section seven of section twenty-four of the Railway and Canal Traffic Act, 1888, may be made, and a Bill to confirm the same may be introduced, at any time after hearing the parties as provided in subsection four of the said section.

2. *Short title.*—This Act may be cited as the Railway and Canal Traffic Act, 1892.

CHAPTER 45.

[Land Commissioners Ireland (Salaries) Act, 1892.]

An Act to provide for the increase of the Salaries of certain Land Commissioners in Ireland, and for other purposes connected with the Land Commission. [27th June 1892.]

CHAPTER 46.

[Ancient Monuments Protection (Ireland) Act, 1892.]

An Act to amend the Ancient Monuments Protection Act, 1882. [27th June 1892.]

CHAPTER 47.

[Contagious Diseases (Animals) Act, 1892.] An Act to amend the Contagious Diseases (Animals) Acts, 1878 to 1890.

[27th June 1892.]

Be it enacted, &c.:

1. *Apportionment between Great Britain and Ireland of money voted for execution of 53 & 54 Vict. c. 14.*—Whereas the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, provides for the payment, out of moneys provided by Parliament, of sums not exceeding in the aggregate one hundred and sixty thousand pounds a year for the execution of the Act, and for the payment in any one year of not more than one hundred and forty thousand pounds for the execution of the Act in Great Britain, and of not more than twenty thousand pounds for the execution of the Act in Ireland, and it is expedient to provide for varying the apportionment, between Great Britain and Ireland, of the said sum of one hundred and sixty thousand pounds; be it therefore enacted as follows:—

The sums provided by Parliament for the execution of the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890, may, notwithstanding anything in that Act, be apportioned between Great Britain and Ireland in such manner as the Treasury in communication with the Board of Agriculture and the Lord-Lieutenant of Ireland may direct.

2. *Increase of limit of rate under 41 & 42 Vict. c. 74, s. 83, subsec. 8.*—Subsection eight of section eighty-three of the Contagious Diseases (Animals) Act, 1878, shall have effect as if for the word "fourpence" were substituted the word "eight-pence."

3. *Application to foot-and-mouth disease of certain provisions relating to pleuro-pneumonia.*—Any money applicable under the Contagious Diseases (Animals) (Pleuro-Pneumonia) Act, 1890 [53 & 54 Vict. c. 14], in cases of pleuro-pneumonia shall be applicable in cases of foot and mouth disease, and any powers exercisable under that Act with respect to pleuro-pneumonia may be exercised with respect to foot-and-mouth disease; and for this purpose the expression "cattle" in that Act shall include any animals.

Provided that the compensation to be paid for any animal slaughtered under the powers conferred by this section shall be the value of the animal immediately before it is slaughtered, or if affected with disease before it was so affected.

4. *Short title and construction.*—This Act may be cited as the Contagious Diseases (Animals) Act, 1892, and shall be read with the Contagious Diseases (Animals) Acts, 1878 to 1890.

CHAPTER 48.

[Bank Act, 1892.]

An Act for making further Provision respecting certain Payments to the Banks of England and Ireland, and for other purposes connected with those Banks. [27th June 1892.]

Be it enacted, &c.:

1. *Remuneration to Bank of England for management of unredeemed debt inscribed in books.*—There shall be paid to the Bank of England during the period in this Act mentioned as remuneration for the management of the National Debt inscribed in their books, an annual sum calculated at the rate of three hundred and twenty-five pounds for every million pounds of such debt up to five hundred million pounds, and at the rate of one hundred pounds for every million pounds of such debt above the said five hundred million pounds: Provided that during the said period the said annual sum shall not be less than one hundred and sixty thousand pounds.

2. *Remuneration to Bank of Ireland for management of unredeemed debt inscribed in books.*—There shall be paid to the Bank of Ireland, during the period in this Act mentioned, as remuneration for the management of the National Debt inscribed in their books, an annual sum calculated at the rate of four hundred and twenty-five pounds for every million pounds, if such debt does not exceed thirty

million pounds, and if it does exceed that sum, then at the rate of three hundred pounds for every million pounds of such debt: Provided that during the said period the said annual sum shall not be less than eight thousand pounds.

3. *Remuneration to Bank of England for management of Exchequer bonds and bills and Treasury bills.*—There shall be paid to the Bank of England, during the period in this Act mentioned, for the management in every financial year, of Exchequer bonds, Exchequer bills, and Treasury bills, an annual sum calculated at the rate, as respects Exchequer bonds and Exchequer bills, of one hundred pounds, and, as respects Treasury bills, of two hundred pounds, for every million pounds of bonds or bills outstanding on the last day of the previous financial year.

4. *General provision as to payments for management of unredeemed debt and of Exchequer bonds and bills and Treasury bills.*—(1.) The annual sums fixed by this Act for the management of the National Debt inscribed in the books of the Bank of England or Ireland and of Exchequer bonds, Exchequer bills, and Treasury bills shall be payable in respect of that management for every financial year up to and including the year ending the thirty-first day of March, one thousand nine hundred and twelve, and thereafter from year to year until Parliament otherwise directs.

(2.) The annual sums for the said management in any financial year shall be paid before the fifth day of July in the following financial year.

(3.) The National Debt Commissioners shall certify the amount of the unredeemed National Debt which on the last day of every financial year is inscribed in the books of the Bank of England and Bank of Ireland respectively, and the annual sums for the management of the Debt in the following financial year shall be calculated on the amount so certified.

(4.) Such certificate shall state the nominal capital amount of all the unredeemed National Debt so inscribed, and shall state the capital amount of every terminable annuity at fifteen years purchase thereof if originally created for a term exceeding fifty years, and at ten years purchase thereof if originally created for a term of fifty years or under.

(5.) The said annual sums shall continue to be payable out of the permanent annual charge for the National Debt.

(6.) For the purpose of calculating the said annual sums, the National Debt shall include the Local Loans stock and Guaranteed Land stock, but such proportion of those sums as is payable in respect of the management of the two last-mentioned stocks shall be paid to the Bank in the case of the Local Loans stock out of the Local Loans fund, and in the case of Guaranteed Land stock out of money provided by Parliament for the service of the Irish Land Commission.

5. *Rate of interest on Government debt to the Banks of England and Ireland.*—Whereas the Bank of England and the Bank of Ireland respectively have consented to the annuity or interest on the debt to them from the public being reduced to the rate of two and three-quarters per cent. per annum until the fifth day of April one thousand nine hundred and three; Be it therefore enacted as follows:

(1.) The annuity or interest payable as part of the permanent annual charge for the National Debt—

(a) in respect of the debt due from the public to the Bank of England (which at the passing of this Act amounts to eleven million fifteen thousand and one hundred pounds); and

(b) in respect of the debt due from the public to the Bank of Ireland (which at the passing of this Act amounts to two million six hundred and thirty thousand seven hundred and sixty-nine pounds four shillings and eightpence),

shall be at the rate of two pounds fifteen shillings per cent. per annum, until the fifth day of April, one thousand nine hundred and three, and after that day, at the rate of two pounds ten shillings per cent. per annum: Provided that if the Bank concerned by notice in writing to the Treasury six months before the said day decline to accept such

lower rate of interest, the debt to that Bank may be paid off without further notice, and until payment, the said annuity or interest shall continue to be payable at the rate of two pounds fifteen shillings per cent. per annum.

(2.) The said annuity or interest shall be paid by equal quarterly payments on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October in each year.

6. Mode of dealing with dead Bank of England notes.] (1.) Where Bank of England notes issued more than forty years have not been presented for payment, the Bank of England may write off the amount, or any proportion of the amount of the said notes from the total amount of notes issued from the issue department, and the Bank Charter Act, 1844, shall apply as if the amount of notes so written off had not been issued; Provided that—

(a) a return of the amount of notes so written off

shall be forthwith sent to the Treasury and laid by them before Parliament; and (b) this section shall not affect the liability of the Bank to pay any note included in the amount so written off, and if it is presented for payment the amount shall either be paid out of the bank notes, gold coin, or bullion, in the banking department, or, if it is exchanged for gold coin or bullion in the issue department, or for a note issued from the issue department, a corresponding amount of gold coin or bullion shall be transferred from the banking department and appropriated to the issue department.

(2.) This section shall be construed as one with the Bank Charter Act, 1844 [7 & 8 Vict. c. 32].

7. Internal regulations and stock of Bank of England.] (1.) It shall be lawful for Her Majesty the Queen to grant, and for the Bank of England to accept, a supplemental charter regulating the internal affairs of the corporation of the Bank of

England, and if such charter is granted the Acts specified in Part III. of the schedule to this Act shall be repealed as from the date of such supplemental charter to the extent in the third column of that schedule mentioned.

(2.) Notwithstanding the repeal of any enactment by this Act the capital stock of the Bank of England as existing at the passing of this Act shall be subject to the enactments so far as un-repealed which relate to stock of the Bank of England, and the holders of the stock shall be members of the corporation of the Bank of England.

8. Short title, commencement, and repeal.] (1.) This Act may be cited as the Bank Act, 1892.

(2.) This Act shall take effect as from the beginning of the current financial year.

(3.) The Acts set out in Parts I. and II. of the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

SCHEDULE.

ENACTMENTS REPEALED.

PART I.

Enactments relating to the Debt from the Public to and the Stock of the Bank of England.

[Section 8.]

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 & 6 Will & Mar. c. 20.	The Bank of England Act, 1694.	Section twenty-one; section thirty-two; and section thirty-four.
8 & 9 Will. 3. c. 20.	The Bank of England Act, 1696.	Section twenty-six, from "or for whom such subscriptions shall be made" down to "twentieth day of June be and," and from "at all times" down to "June"; section thirty-two, down to "by virtue of the said recited Act and"; and the words "from and after the compleating the said subscriptions"; section thirty-three down to "ninety-seven"; section thirty-seven; section forty-seven; section forty-eight.
6 Anne c. 59. (c. 32. in the old editions)	An Act for regulating the qualifications of the elections of the governor, deputy governor, directors, and voters of the Governor and Company of the Bank of England.	The whole Act.
7 Anne c. 30. (c. 7. in the old editions)	The Bank of England Act, 1708.	Preamble; sections one to five, section sixty-seven down to "persons, and that" and from "and the said allowances" down to "governor and company," and from "allowances and" down to "governor and company as aforesaid"; section sixty-eight.
3 Geo. 1. c. 8. - 11 Geo. 1. c. 9.	The Bank of England Act, 1716. An Act the title of which begins with the words "An Act for continuing the several annuities," and ends with the words "redeemable by Parliament."	Section forty-five. Preamble and sections one and five.
1 Geo. 2. Stat. 2. c. 8	An Act for granting an aid to His Majesty by sale of annuities to the Bank of England at four pounds per centum redeemable by Parliament, and charged upon the duties on coals and culm.	Section five.
2 Geo. 2. c. 3.	An Act for raising the sum of one million two hundred and fifty thousand pounds by sale of annuities to the Bank of England after the rate of four pounds per centum per annum, redeemable by Parliament, and for applying the produce of the sinking fund.	Section five.
15 Geo. 2. c. 13.	An Act for establishing an agreement with the Governor and Company of the Bank of England for advancing the sum of one million six hundred thousand pounds towards the supply for the service of the year one thousand seven hundred and forty-two.	Sections six and seven.
19 Geo. 2. c. 6.	An Act the title of which begins with the words "An Act for establishing an agreement," and ends with the words "one thousand seven hundred and forty-six."	Section three; section five; section eight; sections thirteen and fourteen.
23 Geo. 2. c. 1.	An Act for reducing the several annuities which now carry an interest after the rate of four pounds per centum per annum to the several rates of interest therein mentioned.	The whole Act, except section eight.
23 Geo. 2. c. 22.	An Act for giving further time to the proprietors of annuities after the rate of four pounds per centum per annum to subscribe the same in the manner and upon the terms therein mentioned, and for redeeming such of the said annuities as shall not be so subscribed.	The whole Act, except sections eight and fourteen.
56 Geo. 3. c. 96.	An Act for establishing an agreement with the Governor and Company of the Bank of England, for advancing the sum of three millions for the service of the year one thousand eight hundred and sixteen.	Section three, down to "service as aforesaid," and from "making an increase," to the end of the section; and section five.
24 & 25 Vict. c. 3.	An Act to make further provision respecting certain payments to and from the Bank of England, and to increase the facilities for the transfer of stocks and annuities, and for other purposes.	The whole Act, except sections four, five, nine, and ten.
29 & 30 Vict. c. 25.	The Exchequer Bills and Bonds Act, 1866.	Section twenty-nine.
33 & 34 Vict. c. 71.	The National Debt, Act, 1870.	Sections forty and sixty-four.
40 & 41 Vict. c. 2. -	The Treasury Bills Act, 1877.	Section eleven and section twelve from "The allowance" to the end of the section.
50 & 51 Vict. c. 16.	National Debt and Local Loans Act, 1887.	Section eighteen.
51 & 52 Vict. c. 2. -	The National Debt (Conversion) Act, 1888.	Section thirty-one.
52 & 53 Vict. c. 4. -	The National Debt Redemption Act, 1889.	Section seventeen.

[Section 8.]

PART II.

Enactments relating to the Debt from the Public to the Bank of Ireland.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
28 & 29 Vict. c. 16	An Act to make further provision for the management of the unredeemed public debt in Ireland and for the reduction of the interest payable on certain sums advanced by the Bank of Ireland for the public service.	The whole Act.

[Section 7.]

PART III.

Enactments relating to internal affairs of Bank of England.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 & 9 Will. 3. c. 20.	The Bank of England Act, 1896.	Section thirty-four from "within seven days" to the end of the section; section fifty-two.
15 Geo. 2. c. 13.	An Act for establishing an agreement with the Governor and Company of the Bank of England for advancing the sum of one million six hundred thousand pounds towards the supply for the service of the year one thousand seven hundred and forty-two.	Section thirteen.
24 Geo. 2. c. 4.	An Act for enabling the Bank of England to hold general courts and courts of directors in the manner therein directed.	The whole Act, so far as unrepealed.
7 Geo. 3. c. 48.	An Act for regulating the proceedings of certain public companies and corporations carrying on trade or dealings with joint stocks in respect to the declaring of dividends, and for further regulating the qualification of members for voting in their respective general courts.	The whole Act, so far as it applies to the Bank of England.
35 & 36 Vict. c. 34.	The Bank of England (Election of Directors) Act, 1872.	The whole Act.

CHAPTER 49.

[*Mauritius Hurricane Loan Act, 1892.*]

An Act to authorise the Treasury to guarantee the payment of a Loan to be raised by the Government of the Colony of Mauritius.

[27th June 1892.]

CHAPTER 50.

[*Salmon and Freshwater Fisheries Act, 1892.*]

An Act amend the Law relating to Salmon and Freshwater Fisheries.

[27th June 1892.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited as the Salmon and Freshwater Fisheries Act, 1892, and so far as is consistent with the tenor thereof shall be read as one with the Salmon and Freshwater Fisheries Acts, 1861 to 1886, and with Parts III. and IV. of the Fisheries Act, 1891, and those Acts and this Act may collectively be cited as the Salmon and Freshwater Fisheries Acts, 1861 to 1892.

2. *Application of Act.* This Act shall not extend to Scotland or Ireland.

3. *Consignment of salmon trout and char.* During the period between the third day of September and the first day of February, both inclusive, no person shall consign or send by any common or other carrier any salmon trout or char unless the package containing the same shall be conspicuously marked by painting or branding the word salmon trout or char respectively on the outside thereof, and during such period any officer of Customs, any officer of any board of conservators acting within the area of the jurisdiction of such board, any officer of a market authority acting within the area of the jurisdiction of such authority, any officer appointed for that purpose in writing by the Board of Trade, and any officer appointed in writing by the Fishmongers Company at any place may open any package so consigned or sent or brought to any place to be so consigned or sent and suspected to contain salmon trout or char, and if such package is found to contain salmon trout or char and is not marked in accordance with this section, or if there is reasonable cause to suspect that the salmon trout or char contained in any marked package is being dealt with contrary to law, may detain such package and the contents thereof until proof is given in manner provided by law that such salmon trout or char is not being so dealt with, and in like manner and under like conditions may detain any such salmon trout or char not packed in any package, and if before such proof is given any salmon trout or char detained under the provisions of this section becomes unfit for human food, may destroy the same. Any person offending against this section or refusing to allow any person acting

under the authority thereof to exercise the powers conferred thereby or obstructing any such person in the exercise of those powers, shall be liable for every such offence to a penalty not exceeding five pounds. Any package containing salmon trout or char, and not marked in accordance with this section, shall be forfeited, together with the contents thereof, on the conviction of the offender.

4. *Legal Proceedings.* Proceedings against a person contravening any of the provisions of the Salmon and Freshwater Fisheries Acts, 1861 to 1892, may be instituted before a court of summary jurisdiction in any place in which the salmon trout or char in respect whereof the proceedings are taken may be found, and any salmon trout or char which may be forfeited upon the conviction of an offender shall be disposed of as the court shall direct.

5. *Continuation of existing provisions.* Nothing in this Act shall be deemed to take away or repeal any provision of any existing Act of Parliament, but the provisions of this Act shall be in addition to all such provisions.

6. *Definitions.* In this Act, unless there is something inconsistent in the context, the expressions herein-after mentioned shall have the meanings hereby respectively assigned to them, that is to say :

- (a.) "Package" shall mean and include any box, basket, barrel, case, receptacle, sack, bag, wrapper, or other thing in which fish is placed for the purpose of carriage, consignment, or exportation;
- (b.) "Market authority" shall include any corporation or sanitary authority, or any body of trustees or undertakers having power to maintain or regulate any market;
- (c.) "Fishmongers Company" shall mean the wardens and commonalty of the Mystery of Fishmongers of the city of London;
- (d.) "Salmon trout and char" shall include part of any such fish respectively.

CHAPTER 51.

[*Education and Local Taxation Account (Scotland) Act, 1892.*]

An Act to make provision in regard to the Distribution and Application of Sums from time to time paid to the Local Taxation (Scotland) Account and in regard to the Fee Grant in Scotland.

[27th June 1892.]

CHAPTER 52.

[*British Columbia (Loan) Act, 1892.*]

An Act to authorize an Advance to the Government of the Province of British Columbia.

[27th June 1892.]

CHAPTER 53.

[*Public Libraries Act, 1892.*]

An Act to consolidate and amend the Law relating to Public Libraries. [27th June 1892.]

Be it enacted, &c. :

Adoption of Act and Constitution of Library Authority.

1. *Extent and application of Act.* (1.) This Act shall extend to every library district for which it is adopted.

(2.) For the purposes of this Act and subject to the provisions thereof every urban district and every parish in England and Wales which is not within an urban district shall be a library district.

(3.) This Act shall have effect as regards any parish which is partly within and partly without an urban district as if the part which is without the district were a separate parish, and the overseers for the parish shall be deemed for the purposes of this Act to be the overseers for that part.

2. *Limitations on expenditure for purposes of Act.* (1.) A rate or addition to a rate shall not be levied for the purposes of this Act for any one financial year in any library district to an amount exceeding one penny in the pound.

(2.) This Act may be adopted for any library district subject to a condition that the maximum rate or addition to a rate to be levied for the purposes of this Act in the district or in any defined portion of the district in any one financial year shall not exceed one halfpenny or shall not exceed three farthings in the pound, but such limitation if fixed at one halfpenny may be subsequently raised to three farthings, or altogether removed, or where it is for the time being fixed at three farthings may be removed.

3. *Proceedings for adoption of Act.* With respect to—

(a.) the adoption of this Act for any library district; and

(b.) the fixing, raising, and removing of any limitation on the maximum rate to be levied for the purposes of this Act; and

(c.) the ascertaining of the opinion of the voters with respect to any matter for which their consent is required under this Act;

the following provisions shall have effect; that is to say,

- (1.) Any ten or more voters in the library district may address a requisition in writing to the authority hereafter in this section mentioned requiring that authority to ascertain the opinion of the voters in the district with respect to the question or questions stated in the requisition: Provided that where the library district is a municipal borough the requisition may be made by the council of the borough:

(2.) On receipt of the requisition, the said authority shall proceed to ascertain by means of voting papers the opinion of the voters with respect to the said question or questions; but the said authority shall not ascertain the opinion of the voters on any question with respect to the limitation of the rate unless required to do so by the requisition, or with respect to any limitation of the rate other than the limitations specified in this Act:

(3.) The procedure for ascertaining the opinion of the voters shall be in accordance with the regulations contained in the First Schedule to this Act; and those regulations shall have effect as if they were enacted in the body of this Act:

(4.) Every question so submitted to the voters shall be decided by the majority of answers to that question recorded on the valid voting papers, and where the majority of those answers are in favour of the adoption of this Act the same shall forthwith, on the result of the poll being made public, be deemed to be adopted:

(5.) Where the opinion of the voters in any library district is ascertained upon the question as to the adoption of this Act, or upon a question as to the limitation of the rate, no further proceeding shall be taken for ascertaining the opinion of the voters until the expiration of one year at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the voting papers were collected:

(6.) The authority to ascertain the opinion of the voters for the purposes of this section shall be in a municipal borough the mayor, and in any other urban district the chairman of the urban authority, and in a parish the overseers.

4. Act when adopted to be executed by library authority. This Act when adopted for any library district shall be carried into execution, if the library district is an urban district, by the urban authority, and, if it is a parish, by the commissioners appointed under this Act; and any such authority or commissioners executing this Act are herein-after referred to as a "library authority."

5. Constitution of commissioners for executing Act in parish. (1.) Where this Act is adopted for any parish the vestry shall forthwith appoint not less than three nor more than nine voters in the parish to be commissioners for carrying this Act into execution.

(2.) The commissioners shall be a body corporate by the name of "The Commissioners for Public Libraries and Museums for the parish of _____," and shall have perpetual succession and a common seal, with power to acquire and hold lands for the purposes of this Act, without any licence in mortmain.

6. Election of commissioners. (1.) The commissioners shall, as soon as conveniently may be after their appointment, divide themselves by agreement, or in default of agreement by ballot, into three classes, one third or as nearly as may be one third of them being in each class.

(2.) The offices of the first class shall be vacated at the expiration of one year, the offices of the second class at the expiration of two years, and the offices of the third class at the expiration of three years from the time of their appointment.

(3.) The offices of vacating commissioners shall be filled by an equal number of new commissioners to be appointed by the vestry from among the voters in the parish; and every newly elected commissioner shall hold his office for the term of three years from the date when the office became vacant, and no longer, unless re-elected; but a person, on ceasing to be a commissioner, shall, unless disqualifed, be re-eligible.

(4.) Any casual vacancy among the commissioners, whether arising by death, resignation, incapacity or otherwise, shall as soon as may be after the occurrence thereof be filled up by the vestry; but the term of office of a commissioner appointed to fill up a casual vacancy shall expire at the date at which the term of office of the commissioner in whose place he is appointed would have expired.

7. Meetings of commissioners. The commissioners shall meet at least once in every month, and at such other times as they think fit, at some convenient place; and any one commissioner may summon a special meeting by giving three clear days notice in writing to each commissioner, specifying therein the purpose for which the meeting is called. Business shall not be transacted at any meeting of the commissioners unless at least two of them are present.

8. Proceedings of commissioners to be recorded. All orders and proceedings of the commissioners shall be entered in books to be kept for that purpose, and shall be signed by the commissioners or any two of them; and all such orders and proceedings so entered, and purporting to be so signed, shall be deemed to be original orders and proceedings, and such books may be produced and read as evidence of all such orders and proceedings upon any judicial proceeding.

9. Power to vestries of neighbouring parishes to combine. (1.) Where this Act is adopted for any two or more neighbouring parishes, the vestries of those parishes may by agreement combine for any period in carrying this Act into execution, and the expenses of carrying this Act into execution shall be defrayed by the parishes in such proportions as may be agreed on by the vestries.

(2.) The vestry of each of the said parishes shall appoint not more than six commissioners in accordance with the provisions of this Act, and the commissioners so appointed for the several parishes shall form one body of commissioners, and shall act accordingly in the execution of this Act.

10. Power to annex parish to adjoining district. Where the voters in a parish adjoining or near any library district for which either this Act has been adopted, or the adoption thereof is contemplated, consent to such parish being annexed to the said district, such parish, subject to the consent of the library authority of the said district being also given, shall be annexed to and form part of that district for the purposes of this Act; the vestry of such parish shall appoint not more than six commissioners in accordance with the provisions of this Act, and the commissioners so from time to time appointed shall during their respective terms of office be deemed for all the purposes of this Act to be members of the library authority of the said district.

Execution of Act.

11. Provision of libraries, museums, and schools of science and art. (1.) The library authority of any library district for which this Act has been adopted may, subject to the provisions of this Act, provide all or any of the following institutions, namely, public libraries, public museums, schools for science, art galleries, and schools for art, and for that purpose may purchase and hire land, and erect, take down, rebuild, alter, repair, and extend buildings, and fit up, furnish, and supply the same with all requisite furniture, fittings, and conveniences.

(2.) Where any of the institutions mentioned in this section has been established either before or after the passing of this Act by any library authority under this Act or the Acts hereby repealed, that authority may establish in connexion therewith any other of the said institutions without further proceedings being taken with respect to the adoption of this Act.

(3.) No charge shall be made for admission to a library or museum provided under this Act for any library district, or, in the case of a lending library, for the use thereof by the inhabitants of the district; but the library authority, if they think fit, may grant the use of a lending library to persons not being inhabitants of the district, either gratuitously or for payment.

12. Provision as to acquisition and disposal of land. (1.) For the purpose of the purchase of land under this Act by a library authority the Lands Clauses Acts, with the exception of the provisions relating to the purchase of land otherwise than by agreement, shall be incorporated with this Act.

(2.) The library authority of any library district which is an urban district may with the sanction of the Local Government Board appropriate for the purposes of this Act any land which is vested in that authority.

(3.) A library authority may with the sanction of

the Local Government Board sell any land vested in them for the purposes of this Act, or exchange any such land for other land better adapted for those purposes, and the money arising from the sale or received by way of equality of exchange, shall be applied in or towards the purchase of other land better adapted for the said purposes, or may be applied for any purpose for which capital money may be applied, and which is approved by the Local Government Board.

(4.) A library authority may let a house or building, or any part thereof, or any land vested in them for the purposes of the Act, which is not at the time of such letting required for those purposes and shall apply the rents and profits thereof for the purposes of this Act.

13. Power to grant charity land for purposes of this Act. (1.) Any person holding land for ecclesiastical, parochial, or charitable purposes may, subject as herein-after provided, grant, or convey, by way of gift, sale, or exchange, for any of the purposes of this Act any quantity of such land, not exceeding in any one case one acre, in any manner vested in such person.

(2.) Provided that—

(a) ecclesiastical property shall not be granted or conveyed for those purposes without the consent of the Ecclesiastical Commissioners; and

(b) parochial property shall not be so granted or conveyed save by the board of guardians of the poor law union comprising the parish to which the property belongs, or without the consent of the Local Government Board; and

(c) other charitable property shall not be so granted or conveyed without the consent of the Charity Commissioners; and

(d) the land taken in exchange or the money received for such sale shall be held on the same trusts as the land exchanged or sold; and

(e) land situated in the administrative county of London, or in any urban district containing according to the last published census for the time being over twenty thousand inhabitants, which is held on trusts to be preserved as an open space, or on trusts which prohibit building thereon, shall not be granted or conveyed for the purposes of this Act.

(3.) Any land granted or conveyed to any library authority under this section may be held by that authority without any licence in mortmain.

14. Vesting of property in library authority. All land appropriated, purchased, or rented, and all other real and personal property presented to or purchased or acquired for any library, museum, art gallery, or school under this Act shall be vested in the library authority.

15. Management of libraries, &c., by library authority or committee. (1.) The general management, regulation, and control of every library, museum, art gallery, and school provided under this Act shall be vested in and exercised by the library authority, and that authority may provide therein books, newspapers, maps, and specimens of art and science, and cause the same to be bound and repaired when necessary.

(2.) The library authority may also appoint salaried officers and servants, and dismiss them, and make regulations for the safety and use of every library, museum, gallery, and school under their control, and for the admission of the public thereto.

(3.) Provided that a library authority being an urban authority may if they think fit appoint a committee and delegate to it all or any of their powers and duties under this section, and the said committee shall to the extent of such delegation be deemed to be the library authority. Persons appointed to be members of the committee need not be members of the urban authority.

16. Power to library authorities to make agreements for use of library. (1.) The commissioners separately appointed for any two or more parishes for which this Act has been adopted may, with the consent of the voters in each of those parishes, agree to share in such proportions and for such period as may be determined by the agreement the

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cost of the purchase, erection, repair, and maintenance of any library building situate in one of those parishes, and also the cost of the purchase of books and newspapers for such library, and all other expenses connected with the same.

(2.) The library authority of any library district may, with the consent of the voters in the district and of the Charity Commissioners, make the like agreement with the governing body of any library established or maintained out of funds subject to the jurisdiction of the Charity Commissioners, and situate in or near the library district, and, in case of inability, objection, or failure on the part of the governing body to enter into such agreement, the Charity Commissioners may, if they think fit, become party to the agreement on behalf of the governing body.

(3.) This section shall apply, with the necessary modifications, to a museum, school for science, art gallery, or school for art in like manner as to a library.

17. Power to library authority to accept parliamentary grant.] Where a library authority accepts a grant out of money provided by Parliament from the Department of Science and Art towards the purchase of the site, or the erection, enlargement, or repair, of any school for science and art, or school for science, or school for art, or of the residence of a teacher in any such school, or towards the furnishing of any such school, that authority may accept the grant upon the conditions prescribed by the Department of Science and Art, and may execute any instruments required by that Department for carrying into effect those conditions, and upon payment of the grant shall be bound by such conditions and instruments, and have power and be bound to fulfil and observe the same.

Financial Provisions.

18. Expenses of library authority, how defrayed.] (1.) The expenses incurred in a library district in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters in the district, may be defrayed:—

- (a) where the library district is a municipal borough, out of the borough fund or borough rate, or a separate rate to be made, assessed, and levied in like manner as the borough rate; and
- (b) where the library district is an urban district other than a borough, out of the rate applicable to the general expenses incurred in the execution of the Public Health Acts, or a separate rate to be made, assessed, and levied in like manner as the rate so applicable; and
- (c) where the library district is a parish, out of a rate to be raised with and as part of the poor rate, subject, however, to this qualification, that every person assessed to the poor rate in the said parish in respect of lands used as arable, meadow, or pasture ground only, or as woodlands or market gardens, or nursery grounds, shall be entitled to an allowance of two thirds of the sum assessed upon him in respect of those lands for the purposes of this Act.

(2.) Where the library district is a parish, and is not combined with any other parish for the execution of this Act, then—

- (i.) such amount only shall be raised out of a rate for the purposes of this Act as is from time to time sanctioned by the vestry of the parish; and
- (ii.) the vestry to be called for the purpose of sanctioning the amount shall be convened in the manner usual in the parish; and
- (iii.) the amount for the time being proposed to be raised for the purposes of this Act shall be expressed in the notice convening the vestry, and (if sanctioned) shall be paid according to the order of the vestry to such person as may be appointed by the library authority to receive it; and
- (iv.) in the notices requiring the payment of the rate there shall be stated the proportion which the amount to be thereby raised for the purposes of this Act bears to the total amount of the rate.

(3.) Where a parish or a part of a parish is annexed in pursuance of this Act to any library

district, so much of the said expenses as is chargeable to such parish or part shall be defrayed in like manner as if such parish or part were a separate library district, but the sanction of the vestry shall not be required for raising the sums from time to time due from the parish for meeting those expenses.

19. Borrowing by library authority.] (1.) Every library authority, with the sanction of the Local Government Board, and in the case of a library authority being commissioners appointed for a parish, with the sanction also of the vestry of such parish, may borrow money for the purposes of this Act on the security of any fund or rate applicable for those purposes.

(2.) Sections two hundred and thirty-three, two hundred and thirty-four, and two hundred and thirty-six to two hundred and thirty-nine, both inclusive, of the Public Health Act, 1875 [38 & 39 Vict. c. 55], relating to borrowing by a local authority shall apply, with the necessary modifications, to all money borrowed by any library authority for the purposes of this Act, as if the library authority were an urban authority, and as if references to this Act were substituted in those sections and in the forms therein mentioned for references to the Public Health Act, 1875.

(3.) The Public Works Loan Commissioners may in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed by a library authority for the purposes of this Act.

20. Accounts and audit.] (1.) Separate accounts shall be kept of the receipts and expenditure under this Act of every library authority and their officers, and those accounts shall be audited in like manner and with the like incidents and consequences, in the case of a library authority being an urban authority, and of their officers, as the accounts of the receipts and expenditure of that authority and their officers under the Public Health Acts.

(2.) The accounts of the receipts and expenditure of a library authority being commissioners appointed under this Act, and of their officers, shall be audited yearly by a district auditor in like manner and with the like incidents and consequences as in the case of an audit under the Acts relating to the relief of the poor, and those commissioners shall be a local authority within the meaning of the District Auditors Act, 1879 [42 & 43 Vict. c. 6].

(3.) The accounts of the receipts and expenditure under this Act of any library authority other than the council of a municipal borough shall be open at all reasonable times to the inspection, free of charge, of any ratepayer in the library district, and any such ratepayer may without charge make copies of and extracts from those accounts; and if any library authority or any person being a member thereof or employed by them and having the custody of the accounts fails to allow the accounts to be inspected, or copies or extracts to be made, as required by this section, such authority or person shall for each offence be liable on summary conviction in manner provided by the Summary Jurisdiction Acts to a fine not exceeding five pounds.

Provisions affecting London only.

21. Application of Act to city of London.] (1.) The city of London shall be a library district, and on this Act being adopted for the city, the common council shall be the library authority.

(2.) The opinion of the voters in the city of London with respect to any question under this Act shall be ascertained by the mayor on the requisition of the common council.

(3.) The expenses incurred in the city of London in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters, shall be defrayed out of the consolidated rate levied by the commissioners of sewers, or a separate rate to be made, assessed, and levied by those commissioners in like manner as the consolidated rate.

(4.) So much of this Act as limits the rate or addition to a rate to be levied in any library district for any one financial year to one penny in the pound shall not extend to the city of London.

22. Power for district in London to adopt Act.] Every district mentioned in Schedule B. to the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120], as amended by any subsequent Acts, shall

be a library district, and the provisions of this Act shall apply accordingly with the following modifications:—

- (1.) The opinion of the voters in any such district with respect to any question under this Act shall be ascertained by the district board on the requisition in writing of any ten or more of such voters:—
- (2.) The library authority for such district shall be commissioners appointed by the district board, and the provisions of this Act relating to commissioners appointed for a parish shall apply with the substitution of "district" for "parish" and of "district board" for "vestry":
- (3.) The expenses incurred in any such district in and incidental to the execution of this Act, including all expenses in connexion with ascertaining the opinion of the voters, shall, to such amount as is sanctioned by the district board, be defrayed by that board in like manner as if they had been incurred for the general purposes of the Metropolis Management Act, 1855, and the sums from time to time required for defraying those expenses, to the extent so sanctioned, shall be paid by the district board to any person appointed by the commissioners to receive the same; but nothing in this enactment shall enable a district board to levy for the purposes of this Act any greater sum in any financial year than the amount produced by a rate of one penny in the pound, or any less rate specially fixed for the purpose of this Act in the district:—
- (4.) The enactments authorising two or more neighbouring parishes to combine in carrying this Act into execution shall have effect as if any such district were included in the term "parish" and the district board of such district in the term "vestry":—
- (5.) Where a parish in any such district has adopted the Acts hereby repealed or any of them, or hereafter adopts this Act, it shall be treated in all respects for the purposes of this Act as if it were outside the district, and, in particular,—
 - (a) a person shall not, by reason of being a voter in the parish, be accounted for the purposes of this section as a voter in the district; and
 - (b) a representative of the parish on the district board shall not take part in any proceeding of the board under this section; and
 - (c) the parish shall not be called on to contribute to the payment of any expenses incurred in pursuance of this section; and
 - (d) any question of accounts arising between the parish and the other parishes in the district, or between the parish and the district, in consequence of this section, shall be decided finally by the Local Government Board:—
- (6.) After the adoption of this Act for any such district, proceedings shall not, except with the sanction of the Local Government Board, be taken for the separate adoption thereof for any parish in the district.

23. Power to vestry or district board in London to appropriate land for library, &c.] The vestry or district board constituted under the Metropolis Management Act, 1855, for any parish mentioned in Schedule A. or district mentioned in Schedule B. to that Act, as amended by any subsequent Acts, may, if this Act is in force in such parish or district, appropriate with the sanction of the Local Government Board, for the purposes of this Act any land which is vested in such vestry or board.

Supplemental Provisions.

24. Adjustment of interests on termination of agreement.] Any agreement under this Act between two or more vestries or library authorities, or between a library authority and any other body, may provide that on the termination of the agreement an adjustment shall be made of the interests of the several parties thereto in any property to the provision of which they have contributed, and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment

shall on the application of any of the parties be made by an arbitrator appointed by the Local Government Board.

25. Saving for Oxford. Nothing in this Act shall interfere with the operation of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, chapter one hundred and eight, so far as it relates to the collection of a rate for a public library in Oxford.

26. Constitution and proceedings of vestry for purposes of Act. For the purposes of this Act the vestry of a parish shall be any body of persons acting by virtue of any Act of Parliament as or instead of a vestry, and, where there is no such body, shall be the inhabitants of the parish in vestry assembled, but in the latter case the persons registered as county electors in respect of the occupation of property situate in the parish, and no other persons, shall be members of the vestry.

27. Definitions. In this Act, unless the context otherwise requires,—

the expression "urban district" means a municipal borough, Improvement Act district, or local government district; and "urban authority" means, as regards each such district, the council, improvement commissioners, or local board:

the expression "financial year" means the period of twelve months for which the accounts of a library authority are made up:

the expression "voter" means a person who is registered as a county elector or enrolled as a burgess in respect of the occupation of property situate in the district or parish in connexion with which the voter is mentioned:

the expression "overseers" includes any persons authorised and required to make and levy poor rates in a parish, and acting instead of overseers:

the expression "common council" means in relation to the city of London the mayor, commonality, and citizens, acting by the mayor, aldermen, and commons in common council assembled.

28. Repeal. (1.) The Acts mentioned in the Second Schedule to this Act shall be repealed as from the commencement of this Act, save so far as any of them extend beyond England and Wales; and where those Acts have been adopted for any library district, that adoption shall be deemed to have been an adoption of this Act, and this Act shall apply accordingly.

(2.) For the purpose of this section the said Acts shall be deemed to have been adopted for any district in which they were in force immediately before the commencement of this Act.

29. Saving as to local Acts. Nothing in this Act shall be deemed to limit, or to reduce or alter the limit of any rate which any library authority is authorised to levy under or by virtue of any local Act.

30. Commencement. This Act shall come into operation on the first day of October next after the passing thereof.

31. Short title. This Act may be cited as the Public Libraries Act, 1892.

SCHEDULES.

FIRST SCHEDULE.

[Section 3.]

REGULATIONS for ascertaining the opinion of the voters in a library district.

In these regulations the expression "presiding officer" means, in relation to any library district, the authority required under this Act to ascertain the opinion of the voters in that district on any question, or a person appointed by that authority, and that authority is referred to in these regulations as the "district authority."

PART I.—PROCEDURE BY VOTING PAPERS.

1. The district authority shall, before the day appointed for the issuing of the voting papers, provide the presiding officer with a copy of the burgess roll or county register, as the case may be, or of the part or parts thereof containing the names of all the voters in the library district.

2. On the day appointed for issuing the voting papers the presiding officer shall send by post or cause to be delivered to every voter at his address appearing in the roll or register a voting paper in the form contained in Part II. of this schedule or to the like effect.

3. Every voting paper shall bear the number of the voter on the roll or register, as the case may be, and shall contain directions to the voter, in accordance with these regulations, as to the day on which and the hours within which the voting paper is to be collected or sent, and as to the place at which, if sent, it will be received.

4. The district authority shall, before the issue of the voting papers, appoint such a number of competent persons as may be necessary to collect and receive the voting papers and to assist in the scrutiny thereof on such terms and for such remuneration as may be reasonable, and shall also appoint a convenient place within the district at which the voting papers are to be received, but the district authority shall not be required to collect any voting papers which have been sent by them to addresses beyond the limits of the district.

5. Voting papers shall be collected between 8 a.m. and 8 p.m. of the third day after that on which they were issued. Such day is herein-after in these regulations referred to as the polling day, and such last mentioned hour is herein-after referred to as the "conclusion of the poll."

6. A voting paper shall not after collection be delivered up to any person except the presiding officer or a person appointed to receive voting papers.

7. The persons appointed to collect the voting papers shall, either before or as soon as may be after the conclusion of the poll, deliver the voting papers collected by them to the presiding officer or to a person appointed to receive the same.

8. A voting paper may be sent by prepaid post or by hand to the presiding officer at the place appointed by the district authority for the receipt thereof, so that it be received by the presiding

officer at such appointed place before the conclusion of the poll. Voting papers, except those collected by persons appointed by the district authority, shall not be received at the appointed place after the conclusion of the poll.

9. Every person appointed to collect voting papers shall be appointed in writing by the district authority, and shall carry such writing with him while employed in the collection, and shall show it to any voter who may require him to do so. If any person so appointed fails to comply with this regulation, or if any unauthorised person fraudulently receives or induces any voter to part with a voting paper, such person shall be guilty of a misdemeanour, and liable, on conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

10. A voting paper which contains the answer "yes" or "no" to any question put to the voters and is duly signed shall be deemed to be a valid voting paper with respect to that question.

A voting paper shall be deemed to be duly signed if signed by the voter with his full name or ordinary signature.

11. Where any voter is unable to write he may cause his voting paper to be filled up by another person. In such case he shall attach his mark to the voting paper, and such mark shall be attested by such other person, who shall sign his name and append his address thereto. A voting paper to which such mark is attached, and which is duly attested, shall be deemed to be duly signed.

12. Any person fabricating a voting paper, or presenting or returning a fabricated voting paper, knowing that the same does not bear the true answer or signature of the voter to whom it was sent or intended to be sent, shall be guilty of perjury, and liable to the penalties of that offence as provided by the Ballot Act, 1872 [35 & 36 Vict. c. 33].

13. The presiding officer shall, as soon as may be after the conclusion of the poll, proceed to a scrutiny of the voting papers, and shall compare the same with his copy of the roll or register, and ascertain how far the voting papers have been duly signed by the voters.

14. A question put to the voters shall be deemed to be answered and determined in the affirmative or negative, according as the majority of valid voting papers returned contain the answer "yes" or "no" to that question.

15. Immediately on the conclusion of the scrutiny the presiding officer shall report to the district authority the number of voters who have voted "yes" and "no" respectively to each question put to them, and the number of voting papers which are invalid.

16. The presiding officer shall seal up in separate packets the valid and the invalid voting papers respectively, and shall transmit them, together with his report, to the district authority.

17. Upon receiving the report of the presiding officer the district authority shall cause the result of the poll to be made public in such manner as they think fit.

PART II.—FORM OF VOTING PAPER.

Public Libraries Act, 1892.

Borough (Parish or other Library District) of
No. (Here insert number of voter in burgess roll or county register, as the case may be.)

Question 1 - Are you in favour of the adoption of the Public Libraries Act, 1892, for the borough (or parish, &c.) of

Question 2 - Are you in favour of the rate being limited to one halfpenny in the pound? (Or to three farthings, or of the existing limitation of the rate under the Public Libraries Act, 1892, being removed, or of the existing limitation to one halfpenny being raised to three farthings, as the case may require.)

Question 3 - Are you in favour of an agreement being made with (here designate the body or bodies, according to section 10 or section 16 of this Act) for the purpose of (briefly state objects of proposed agreement).

Answer 1. (To be filled in "Yes" or "No.") [To be omitted if Libraries Act already adopted.]

Answer 2. (To be filled in "Yes" or "No.") [To be omitted if no question stated in the requisition as to limitation of rate.]

Answer 3. (To be filled in "Yes" or "No.") [To be omitted if no such question raised.]

Signature of Voter.

1. This voting paper will be collected by an authorized collector between the hours of 8 a.m. and 8 p.m. on 18 (insert polling day), or may be sent by prepaid post or by hand, addressed to (state name or designation of presiding officer, and place appointed by the district authority). If it is sent it must be received at that address before 8 p.m. on the above-mentioned day.

2. You may require the collector to show his authority in writing. No authority is valid unless it is (signed by A.B., or sealed, or as the district authority may direct).

SECOND SCHEDULE.

ACTS REPEALED.

Section 28.]

Session and Chapter.	Short Title.
18 & 19 Vict. c. 70	The Public Libraries Act, 1855.
29 & 30 Vict. c. 114	The Public Libraries Amendment Act (England and Scotland), 1866.
34 & 35 Vict. c. 71	The Public Libraries Act, 1855, Amendment Act, 1871.
47 & 48 Vict. c. 37	The Public Libraries Act, 1884.
50 & 51 Vict. c. 22	The Public Libraries Acts Amendment Act, 1887.
52 & 53 Vict. c. 9	The Public Libraries Acts Amendment Act, 1889.
53 & 54 Vict. c. 68	The Public Libraries Acts Amendment Act, 1890.

CHAPTER 54.

[*Allotments (Scotland) Act, 1892.*]

An Act to facilitate the provision of Allotments for the Labouring Classes in Scotland.

[28th June 1892.]

CHAPTER 55.

[*Burgh Police (Scotland) Act, 1892.*]

An Act for regulating the Police and Sanitary Administration of towns and populous places, and for facilitating the union of Police and Municipal Administration in burghs in Scotland.

[28th June 1892.]

CHAPTER 56.

[*Coroners Act, 1892.*]

An Act to amend the Law in relation to the Appointment of Coroners and Deputy Coroners in Counties and Boroughs.

[28th June 1892.]

Be it enacted, &c. :

1. *Appointment and powers of a deputy coroner of both county and a borough.* (1.) Every coroner, whether for a county or a borough, shall appoint, by writing under his hand, a fit person approved by the chairman or mayor, as the case may be, of the council who appointed the coroner, not being an alderman or councillor of such council, to be his deputy, and may revoke such appointment, but such revocation shall not take effect until the appointment of another deputy has been approved as aforesaid.

(2.) A duplicate of every appointment shall be sent to the said council and be kept among the records of the county or borough as the case may be.

(3.) A deputy may act for the coroner during his illness or during his absence for any lawful or reasonable cause, or at any inquest which the coroner is disqualified for holding, but not otherwise. In the case of a borough coroner the necessity of his so acting shall be certified on each occasion by a justice of the peace, and such certificate shall state the cause of absence of the coroner, be openly read to every inquest jury summoned by the deputy coroner, and be conclusive evidence of the jurisdiction of the deputy to act.

(4.) The deputy of a coroner shall, notwithstanding the coroner vacates his office by death or otherwise, continue in office until a new deputy is appointed, and shall act as the coroner while the office is so vacant in like manner as during the illness of the coroner, and one certificate may extend to the period of the vacancy, and he shall be entitled to receive in respect of the period of the vacancy the like remuneration as the vacating coroner.

(5.) For the purpose of an inquest or act which a deputy of a coroner is authorised to hold or do, he shall be deemed to be that coroner, and have the same jurisdiction and powers and be subject to

the same obligations, liabilities, and disqualifications as that coroner, and he shall generally be subject to the provisions of the Coroners Act, 1887 [50 & 51 Vict. c. 71], and to the law relating to coroners in like manner as that coroner.

(6.) A council may postpone the appointment of a coroner to fill a vacancy, either generally or in any particular case, for a period not exceeding three months from the date at which that vacancy occurs.

(7.) For the purposes of this section the council who appointed a coroner shall—

(a) where the coroner was, in pursuance of any section of the Local Government Act, 1888 [51 & 52 Vict. c. 41], appointed by or on the recommendation of a joint committee, be deemed to be any of the councils who appointed any member of that committee; and

(b) where a coroner for a district of a county is, in pursuance of subsection four of section thirty-four of the Local Government Act, 1888, appointed by the council of any county borough, be deemed to be that council.

(8.) In the case of a county coroner who has been elected before the date on which the provisions of the Local Government Act, 1888, as to the appointment of coroners came into force, the council of any county or county borough, in which the district of the coroner is wholly or partially situated, shall for the purposes of this section be deemed to be the council who appointed the coroner.

2. *Repeal.* The Acts specified in the schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

3. *Construction of Act and short title.* This Act shall be construed as one with the Coroners Act, 1887, and this Act and that Act may be cited together as the Coroners Acts, 1887 and 1892, and this Act may be cited separately as the Coroners Act, 1892.

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section one hundred and seventy-two.
50 & 51 Vict. c. 71.	The Coroners Act, 1887	Section thirteen, and in section thirty-three the words "and the appointment of a deputy by such coroner."

CHAPTER 57

[*Private Street Works Act, 1892.*]

An Act to amend the Public Health Acts in relation to Private Street Improvement Expenses.

[28th June 1892.]

Be it enacted, &c. :

1. *Short title, construction, and extent.* This Act may be cited as the Private Street Works Act, 1892, and shall be construed as one with the Public Health Acts, and shall extend only to England; and this Act and the Public Health Acts may be cited together as the Public Health Acts.

2. *Adoption of Act.* This Act shall extend and apply to any urban sanitary district in which it is respectively adopted under the provisions of this Act.

3. *Adoption of Act by urban authorities.* The following provisions shall have effect with regard to the adoption of this Act by urban authorities :

(1.) The adoption shall be by a resolution passed at a meeting of the urban authority; and one calendar month at least before such meeting special notice of the meeting, and of the intention to propose such resolution, shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it if it is either—

(a.) Given in the mode in which notices to attend meetings of the authority are usually given; or

(b.) Where there is no such mode, then signed by the clerk of the authority, and delivered to the member or left at his usual or last known place of abode in England, or forwarded by post in a prepaid registered letter, addressed to the member at his usual or last known place of abode in England.

(2.) Such resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be affixed to the principal doors of every church and chapel in the place to which notices are usually fixed, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time not less than one month after the first publication of the advertisement of the resolution as the authority may by the resolution fix, and upon its coming into operation this Act shall extend to that district.

(3.) A copy of the resolution shall be sent to the Local Government Board.

(4.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary be shown; and no objection to the effect of the resolution on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first publication of the advertisement.

4. *Local Government Board may extend Act to rural district.* The Local Government Board may declare that the provisions contained in this Act shall be in force in any rural sanitary district, or any part thereof, and may invest a rural sanitary authority with the powers, rights, duties, capacities, liabilities, and obligations which an urban authority may acquire by adoption of this Act, in like manner and subject to the same provisions as they are enabled to invest rural sanitary authorities with the powers of urban sanitary authorities under the provisions of section two hundred and seventy-six of the Public Health Act, 1875.

5. *Interpretation.* In this Act, if not inconsistent with the context,—

The expression "urban authority" means an urban sanitary authority under the Public Health Acts.

The expressions "urban sanitary district" and "rural sanitary district" mean respectively an urban sanitary district and a rural sanitary district under the Public Health Acts, and "district" means the district of an urban sanitary authority or of a rural sanitary authority, as the case may require.

The expressions "surveyor," "lands," "premises," "owner," "drain," "sewer," have respectively the same meaning as in the Public Health Acts.

The expression "street" means (unless the context otherwise requires) a street as defined by the Public Health Acts, and not being a highway repairable by the inhabitants at large.

Words referring to "paving, metalling, and flagging" shall be construed as including macadamising, asphalting, gravelising, kerbing, and every method of making a carriage-way or footway.

6. *Private street works.* (1.) Where any street or part of a street is not sewered, levelled, paved, metalled, flagged, channelled, made good, and lighted to the satisfaction of the urban authority, the urban authority may from time to time resolve with respect to such street or part of a street to do any one or more of the following works (in this Act called private street works); that is to say, to sewer, level, pave, metal, flag, channel, or make good, or to provide proper means for lighting such street or part of a street; and the expenses incurred by the urban authority in executing private street works shall be apportioned (subject as in this Act mentioned) on the premises fronting, adjoining, or abutting on such street or part of a street. Any such resolution may include several streets or parts of streets, or may be limited to any part or parts of a street.

(2.) The surveyor shall prepare, as respects each street or part of a street,—

- (a.) A specification of the private street works referred to in the resolution, with plans and sections (if applicable);
- (b.) An estimate of the probable expenses of the work;
- (c.) A provisional apportionment of the estimated expenses among the premises liable to be charged therewith under this Act.

Such specification, plans, sections, estimate, and provisional apportionment shall comprise the particular prescribed in Part I. of the Schedule to this Act, and shall be submitted to the urban authority, who may by resolution approve the same respectively with or without modification or addition as they think fit.

(3.) The resolution approving the specifications, plans, and sections (if any), estimates, and provisional apportionments, shall be published in the manner prescribed in Part II. of the Schedule to this Act, and copies thereof shall be served on the owners of the premises shown as liable to be charged in the provisional apportionment within seven days after the date of the first publication. During one month from the date of the first publication the approved specifications, plans, and sections (if any), estimates, and provisional apportionments (or copies thereof certified by the surveyor), shall be kept deposited at the urban authority offices, and shall be open to inspection at all reasonable times.

7. *Objections to proposed works.*] During the said month any owner of any premises shown in a provisional apportionment as liable to be charged with any part of the expenses of executing the works may, by written notice served on the urban authority, object to the proposals of the urban authority on any of the following grounds; (that is to say—)

- (a.) That an alleged street or part of a street is not or does not form part of a street within the meaning of this Act;
- (b.) That a street or part of a street is (in whole or in part) a highway repairable by the inhabitants at large;
- (c.) That there has been some material informality, defect, or error in or in respect of the resolution, notice, plans, sections, or estimate;
- (d.) That the proposed works are insufficient or unreasonable, or that the estimated expenses are excessive;
- (e.) That any premises ought to be excluded from or inserted in the provisional apportionment;
- (f.) That the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as herein-after provided) in respect of the degree of benefit to be derived by any persons, or the amount or value of any work already done by the owner or occupier of any premises.

For the purposes of this Act joint tenants or tenants in common may object through one of their number authorized in writing under the hands of the majority of such joint tenants or tenants in common.

8. *Hearing and determination of objections.*] (1.) The urban authority at any time after the expiration of the said month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made as in this Act mentioned, and shall publish a notice of the time and place appointed, and copies of such notice shall be served upon the objectors; and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be, and with the same powers and subject to the same provisions with respect to stating a case, as if the urban authority were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable. The court may quash in whole or in part or may amend the resolution, plans, sections, estimates, and provisional apportionments, or any of them, on the application either of any objector or of the urban authority. The court may also, if it thinks fit, adjourn the hearing and direct any further notice to be given.

(2.) No objection which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(3.) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this Act shall be in the discretion of the court, and the court shall have power, if it thinks fit, to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the urban authority, and charged as part of the expenses of the works on the premises of the objector or objectors in such proportions as may appear just.

9. *Incidental works.*] (1.) The urban authority may include in any works to be done under this Act with respect to any street or part of a street any works which they think necessary for bringing the street or part of a street, as regards sewerage, drainage, level, or other matters, into conformity with any other streets (whether repairable or not by the inhabitants at large), including the provision of separate sewers for the reception of sewage and of surface water respectively.

(2.) The urban authority in any estimate of the expenses of private street works may include a commission not exceeding five pounds per centum (in addition to the estimated actual cost) in respect of surveys, superintendence, and notices, and such commission when received shall be carried to the credit of the district fund.

10. *Apportionment of expenses.*] In a provisional apportionment of expenses of private street works the apportionment of expenses against the premises fronting, adjoining, or abutting on the street or part of a street in respect of which the expenses are to be incurred shall, unless the urban authority otherwise resolve, be apportioned according to the frontage of the respective premises; but the urban authority may, if they think just, resolve that in settling the apportionment regard shall be had to the following considerations; (that is to say—)

- (a.) The greater or less degree of benefit to be derived by any premises from such works;
- (b.) The amount and value of any work already done by the owners or occupiers of any such premises.

They may also, if they think just, include any premises which do not front, adjoin, or abut on the street or part of a street, but access to which is obtained from the street through a court, passage, or otherwise, and which in their opinion will be benefited by the works, and may fix the sum or proportion to be charged against any such premises accordingly.

11. *Amendment of plan, &c.*] The urban authority may from time to time amend the specifications, plans, and sections (if any), estimates, and provisional apportionments for any private street works, but if the total amount of the estimate in respect of any street or part of a street is increased, such estimate and the provisional apportionment shall be published in the manner prescribed in Part II. of the Schedule to this Act, and shall be open to inspection at the urban authority offices at all reasonable times, and copies thereof shall be served on the owners of the premises affected thereby; and objections may be made to the increase and apportionment, and if made shall be dealt with and determined in like manner as objections to the original estimate and apportionment.

12. *Final apportionment and recovery of expenses.*] (1.) When any private street works have been completed, and the expenses thereof ascertained, the surveyor shall make a final apportionment by dividing the expenses in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment (as the case may be), and such final apportionment shall be conclusive for all purposes; and notice of such final apportionment shall be served upon the owners of the premises affected thereby; and the sum apportioned thereby shall be recoverable in manner provided by this Act, or in the same manner as private improvement expenses are recoverable under the Public Health Act, 1875 [36 & 37 Vict. c. 55], including the power to declare any such expenses to be payable by instalments.

(2.) Within one month after such notice the owner of any premises charged with any expenses under such apportionment may, by a written notice

to the urban authority, object to such final apportionment on the following grounds, or any of them:—

- (a.) That the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per cent.
- (b.) That the final apportionment has not been made in accordance with this section.
- (c.) That there has been an unreasonable departure from the specification, plans, and sections.

(3.) Objections under this section shall be determined in the same manner as objections to the provisional apportionment.

13. *Charge on premises.*] (1.) Any premises included in the final apportionment, and all estates and interests from time to time therein, shall stand and remain charged (to the like extent and effect as under section two hundred and fifty-seven of the Public Health Act, 1875) with the sum finally apportioned on them, or if objection has been made against the final apportionment with the sum determined to be due as from the date of the final apportionment, with interest at the rate of four pounds per centum per annum, and the urban authority shall, for the recovery of such sum and interest, have all the same powers and remedies under the Conveyancing and Law of Property Act, 1881, and otherwise as if they were mortgagees having powers of sale and lease and of appointing a receiver.

(2.) The urban authority shall keep a register of charges under this Act and of the payments made in satisfaction thereof, and the register shall be open to inspection to all persons at all reasonable times on payment of not exceeding one shilling in respect of each name or property searched for, and the urban authority shall furnish copies of any part of such register to any person applying for the same on payment of such reasonable sum as may be fixed by the urban authority.

14. *Recovery of expenses summarily or by action.*] The urban authority, if they think fit, may from time to time (in addition and without prejudice to any other remedy) recover summarily in a court of summary jurisdiction, or as a simple contract debt by action in any court of competent jurisdiction, from the owner for the time being of any premises in respect of which any sum is due for expenses of private street works the whole or any portion of such sum, together with interest at a rate not exceeding four pounds per centum per annum, from the date of the final apportionment till payment thereof.

15. *Contribution by urban authority to expenses.*] The urban authority, if they think fit, may at any time resolve to contribute the whole or a portion of the expenses of any private street works, and may pay the same out of the district fund or general district rate or other rate out of which the general expenses incurred under the Public Health Act, 1875, are payable.

16. *Exemption from expenses of incumbent of church.*] The incumbent or minister or trustee of any church, chapel, or place appropriated to public religious worship, which is for the time being by law exempt from rates for the relief of the poor, shall not be liable to any expenses of private street works as the owner of such church, chapel, or place, or of any churchyard or burial ground attached thereto, nor shall any such expenses be deemed to be a charge on such church, chapel, or other place, or on such churchyard or burial ground, or to subject the same to distress, execution, or other legal process, but the proportion of expenses in respect of which an exemption is allowed under this section shall be borne and paid by the urban authority.

17. *Power for limited owners to borrow for expenses.*] All owners of buildings or lands, being persons who under the Lands Clauses Acts are empowered to sell and convey or release lands, may charge such buildings or lands with such sum as may be necessary to defray the whole or any part of any expenses which the owners of or any persons in respect of such buildings or lands for the time being are liable to pay under this Act and the expenses of making such charge, and for securing the repayment of such sum with interest may mortgage such buildings or lands to any person advancing such sum, but so that the principal due

on any such mortgage shall be repaid by equal yearly or half-yearly payments within twenty years.

18. *Power for urban authority to borrow for private street works.*—The urban authority may from time to time, with the sanction of the Local Government Board, borrow, on the security of the district fund and general district rates or other rate out of which the general expenses incurred under the Public Health Act, 1875, are payable, moneys for the purpose of temporarily providing for expenses of private street works, and the powers of the urban authority to borrow under the Public Health Acts shall be available as if the execution of private street works under this Act were one of the purposes of the Public Health Act, 1875.

19. *Adoption of private streets.*—Whenever all or any of the private street works in this Act mentioned have been executed in a street or part of a street, and the urban authority are of opinion that such street or part of a street ought to become a highway repairable by the inhabitants at large, they may by notice to be fixed up in such street or part of a street declare the whole of such street or part of a street to be a highway repairable by the inhabitants at large, and thereupon such street or part of a street as defined in the notice shall become a highway repairable by the inhabitants at large.

20. *On street being paved, &c., urban authority to declare same public highway.*—If any street is now or shall hereafter be sewered, levelled, paved, metallised, flagged, channelled, and made good (all such works being done to the satisfaction of the urban authority), then, on the application in writing of the greater part in value of the owners of the houses and land in such street, the urban authority shall, within three months from the time of such application, by notice put up in such street declare the same to be a highway repairable by the inhabitants at large, and thereupon such street shall become a highway repairable by the inhabitants at large.

21. *Separate accounts of expenses of works.*—(1.) The urban authority shall keep separate accounts of all moneys expended and recovered by them in the execution of the provisions of this Act relating to private street works.

(2.) All moneys recovered by the urban authority under this Act in respect of street works shall be applied in repayment of moneys borrowed for the purpose of executing private street works, or if there is no such loan outstanding them in such manner as may be directed by the Local Government Board.

22. *Railways and canals abutting but not communicating with streets not to be chargeable with private street expenses.*—No railway or canal company shall be deemed to be an owner or occupier for the purposes of this Act in respect of any land of such company upon which any street shall wholly or partially front or abut, and which shall at the time of the laying out of such street be used by such company solely as a part of their line of railway, canal, or siding, station, towing path, or works, and shall have no direct communication with such street; and the expenses incurred by the urban authority under the powers of this Act which, but for this provision, such company would be liable to pay, shall be repaid to the urban authority by the owners of the premises included in the apportionments, and in such proportion as shall be settled by the surveyor; and in the event of such company subsequently making a communication with such street they shall, notwithstanding such repayment as last aforesaid, pay to the urban authority the expenses which, but for the foregoing provision, such company would in the first instance have been liable to pay, and the urban authority shall divide among the owners for the time being included in the apportionment the amount so paid by such company to the urban authority, less the costs and expenses attendant upon such division, in such proportion as shall be settled by the surveyor, whose decision shall be final and conclusive. This section shall not apply to any street existing at the adoption of this Act.

23. *Expenses of local authority.*—All expenses incurred or payable by an urban authority and a rural sanitary authority respectively in the execution of this Act, and not otherwise provided for,

may be charged and defrayed as part of the expenses incurred by them respectively in the execution of the Public Health Acts.

24. *Powers of Act cumulative.*—All powers given to a local authority under this Act shall be deemed to be in addition to and not in derogation of any other powers conferred upon such local authority by any Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not been passed.

25. *Certain sections of Public Health Acts not to apply.*—Neither sections one hundred and fifty, one hundred and fifty-one, and one hundred and fifty-two of the Public Health Act, 1875, nor section forty-one of the Public Health Acts Amendment Act, 1890, shall apply to any district or part of a district in which this Act is in force.

26. *For protection of Conservators of the River Thames.*—This Act shall not extend to prejudice or derogate from the estates, rights, and privileges of the Conservators of the River Thames, or render them liable to any charges or payments in respect of any of their works on or upon the shores of the River Thames.

THE SCHEDULE.

[Sections 6, 11.]

PRIVATE STREET WORKS.

PART I.

PARTICULARS TO BE STATED IN SPECIFICATIONS, PLANS, AND SECTIONS, ESTIMATES, AND PROVISIONAL APPORTIONMENTS.

Specifications.—These shall describe generally the works and things to be done, and in the case of structural works shall specify as far as may be the foundation, form, material, and dimensions thereof.

Plans and Sections.—These shall show the constructive character of the works, and the connexions (if any) with existing streets, sewers, or other works, and the lines and levels of the works, subject to such limits of deviation (if any) as shall be indicated on the plans and sections respectively.

Estimates.—These shall show the particulars of the probable cost of the whole works, including the commission provided for by this Act.

Provisional Apportionments.—These shall state the amounts charged on the respective premises and the names of the respective owners, or reputed owners, and shall also state whether the apportionment is made according to the frontage of the respective premises or not, and the measurements of the frontages, and the other considerations (if any) on which the apportionment is based.

PART II.

PUBLICATION OF NOTICE.

Any resolution, notice, or other document required by this Act to be published in the manner prescribed by this schedule shall be published once in each of two successive weeks in some local newspaper circulating within the district, and shall be publicly posted in or near the street to which it relates once at least in each of three successive weeks.

CHAPTER 58.

[Accumulations Act, 1892.]

An Act to amend the Law respecting Accumulations.

[28th June 1892.]

Be it enacted, &c. :

1. *No accumulation beyond minority.*—No person shall, after the passing of this Act, settle or dispose of any property in such manner that the rents, issues, profits, or income thereof shall be wholly or partially accumulated for the purchase of land only, for any longer period than during the minority or respective minorities of any person or persons who under the uses or trusts of the instrument directing such accumulation would for the time being, if of full age, be entitled to receive the rents, issues, profits, or income so directed to be accumulated.

2. *Short title.*—This Act may be cited as the Accumulations Act, 1892.

CHAPTER 59.

[Telegraph Act, 1892.]

An Act to make further provision respecting Telegraphs.

[28th June 1892.]

CHAPTER 60.

[Expiring Laws Continuance Act, 1892.]

An Act to continue various Expiring Laws.

[28th June 1892.]

CHAPTER 61.

[Public Works Loans Act, 1892.]

An Act to grant Money for the purpose of certain Local Loans, and for other purposes relating to Local Loans.

[28th June 1892.]

CHAPTER 62.

[Shop Hours Act, 1892.]

An Act to amend the Law relating to the Employment of Young Persons in Shops.

[28th June 1892.]

Whereas the health of many young persons employed in shops and warehouses is seriously injured by reason of the length of the period of employment :

Be it therefore enacted, &c. :

1. *Short title.*—This Act may be cited as the Shop Hours Act, 1892.

2. *Commencement of Act.*—This Act shall come into operation on the first day of September, one thousand eight hundred and ninety-two.

3. *Hours of employment in shops.*—(1.) No young person shall be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week.

(2.) No young person shall to the knowledge of his employer be employed in or about a shop having been previously on the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16], for the number of hours permitted by the said Act or for a longer period than will together with the time during which he has been so previously employed complete such number of hours.

4. *Notice of hours to be given.*—In every shop in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed in that shop.

5. *Fine for employing persons contrary to the Act.*—Where any young person is employed in or about a shop contrary to the provisions of this Act, the employer shall be liable to a fine not exceeding one pound for each person so employed.

6. *Power of occupier to exempt himself from fine on conviction of actual offender.*—Where the employer of any young person is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

7. *Summary proceedings.*—All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act, and so much of section ninety-two thereof as relates to evidence respecting the age of any person, and the provisions relating to the application of the said Act to Scotland and Ireland,

so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto.

8. Appointment of inspectors. The council of any county or borough, and in the city of London the common council, may appoint such inspectors as they may think necessary for the execution of this Act within the areas of their respective jurisdictions, and sections sixty-eight and seventy of the Factory and Workshop Act, 1878, shall apply in the case of any such inspector as if he were appointed under that Act, and as if the expression workshop as used in those sections included any shop within the meaning of this Act.

The powers conferred by this section may be exercised in Ireland by the council of any municipal borough and by the commissioners of any town or township.

9. Interpretation. In this Act, unless the context otherwise requires—

“Shop” means retail and wholesale shops, markets, stalls, and warehouses in which assistants are employed for hire, and includes licensed public-houses and refreshment houses of any kind:

“Young person” means a person under the age of eighteen years:

Other words and expressions have the same meanings respectively as in the Factory and Workshop Act, 1878 [41 & 42 Vict. c. 16].

10. Exemption of members of the same family, and servants. Nothing in this Act shall apply to a shop where the only persons employed are members of the same family, dwelling in the building of which the shop forms part or to which the shop is attached, or to members of the employer’s family so dwelling, or to any person wholly employed as a domestic servant.

CHAPTER 63.

[*Technical Instruction Amendment (Scotland) Act, 1892.*]

An Act to explain and amend the Local Taxation (Customs and Excise) Act, 1890, with respect to Contributions for Technical Instruction in Scotland. [28th June 1892.]

CHAPTER 64.

[*Witnesses (Public Inquiries) Protection Act, 1892.*]

An Act for the better Protection of Witnesses giving Evidence before any Royal Commission or any Committee of either House of Parliament, or on other Public Inquiries.

[28th June 1892.]

Be it enacted, &c. :

1. Definition. In this Act the word “inquiry” shall mean any inquiry held under the authority of any Royal Commission or by any committee of either House of Parliament, or pursuant to any statutory authority, whether the evidence at such inquiry is or is not given on oath, but shall not include any inquiry by any court of justice.

2. Persons obstructing or intimidating witnesses guilty of misdemeanor. Every person who commits any of the following acts, that is to say, who threatens, or in any way punishes, damages, or injures, or attempts to punish, damage, or injure, any person for having given evidence upon any inquiry, or on account of the evidence which he has given upon any such inquiry, shall, unless such evidence was given in bad faith, be guilty of a misdemeanor, and be liable upon conviction thereof to a maximum penalty of one hundred pounds, or to a maximum imprisonment of three months.

3. Prosecution of offences. A prosecution for any offence under this Act may be heard and determined by a court of summary jurisdiction under the Summary Jurisdiction Acts, provided that should either the complainant or the party charged object to the case being dealt with summarily, the court shall send such case for trial to the quarter sessions or assizes, or in cases arising within the metropolitan area to the central criminal court.

4. Court to have power to award costs and compensation to party aggrieved. It shall be lawful for any court before which any person may be convicted of any offence under this Act, if it thinks fit, in addition to sentence or punishment by way of fine or imprisonment, to condemn such person to pay the whole or any part of the costs and expenses incurred in and about the prosecution and conviction

for the offence of which he shall be convicted, and, upon the application of the complainant, and immediately after such conviction, to award to complainant any sum of money which it may think reasonable, having regard to all the circumstances of the case, by way of satisfaction or compensation for any loss of situation, wages, status, or other damage or injury suffered by the complainant through or by means of the offence of which such person shall be so convicted, provided that where the case is tried before a jury, such jury shall determine what amount, if any, is to be paid by way of satisfaction or compensation.

5. Costs and compensation to be a judgment debt. The amount awarded for such satisfaction or compensation, together with such costs, to be taxed by the proper officer of the court, shall be deemed a judgment debt due to the person entitled to receive the same from the person so convicted, and be recoverable accordingly.

6. Application to Scotland. In the application of this Act to Scotland the following modifications shall have effect:—

(1.) A court of summary jurisdiction means the sheriff.

(2.) If the complainant or the party charged, as in section three of this Act mentioned, objects to the case being dealt with summarily, it shall be sent for trial by the sheriff with a jury, or by the High Court of Justiciary, as Her Majesty’s Advocate shall direct.

(3.) Judgment debt means a civil debt, and such debt may be recovered in any competent court.

7. Saving. Nothing in this Act contained shall in any way lessen or affect any power or privilege possessed by either House of Parliament, or any power given by statute in the premises.

8. Short title. This Act may be cited as the Witnesses (Public Inquiries) Protection Act, 1892.

CHAPTER 65.

[*Drainage and Improvement of Land (Ireland) Act, 1892.*]

An Act to amend the Law relating to the Drainage and Improvement of Land in Ireland, and for other purposes. [28th June 1892.]

